

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 18 September 2009

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Cuno Tarfusser

SITUATION IN DARFUR, SUDAN

IN THE CASE THE PROSECUTOR V. BAHAR IDRIS ABU GARDA

Public Document

Decision Convening two Hearings on 23 September 2009

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Mr Essa Faal

Counsel for the Defence

Mr Karim A.A. Khan

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar

Ms Silvana Arbia

Mr Didier Preira

Victims and Witnesses Unit

Defence Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I of the International Criminal Court (the “Chamber” and the “Court” respectively);

NOTING the “Prosecution’s Provision of Alternative Evidence” of 10 September 2009 and the confidential-*ex parte* only available to Prosecution Annexes attached thereto;¹

NOTING the “Decision on the Prosecutor’s requests for extension of time-limit” of 11 September 2009, wherein the Single Judge decided, *inter alia*, to re-schedule the confirmation hearing to 19 October 2009;²

NOTING article 61 of the Statute of the Court and rule 122 of the Rules of Procedure and Evidence (the “Rules”);

CONSIDERING that the Chamber needs further clarification from the Prosecution in relation to its filing of 10 September 2009, in particular with respect to the Annexes attached thereto;

CONSIDERING that, in order to fulfill her functions under rule 122 of the Rules, the Presiding Judge deems it appropriate to obtain the views of the parties with respect to the conditions under which they intend to present their evidence at the confirmation hearing;

¹ ICC-02/05-02/09-94-Conf-Exp;

² ICC-02/05-02/09-98;

CONSIDERING that, in accordance with the precedents of this Chamber, the Presiding Judge intends to hear from the parties whether they intend to raise any issues under rule 122(2) and (3) of the Rules prior to the confirmation hearing;

CONSIDERING further that, in order for the Presiding Judge to prepare an informed decision on how the hearing is to be conducted, she deems it necessary to receive the observations of the parties and of the representatives of the Registry in relation to the arrangements that are necessary for the proper conduct of the proceedings throughout the confirmation hearing;

HAVING REGARD THERETO AND FOR THESE REASONS, THE CHAMBER HEREBY:

DECIDES to convene an *ex parte* hearing with the Prosecution to be held in closed session on Wednesday 23 September 2009 at 9.30 hours in Courtroom I;

DECIDES to convene a public hearing to be held with the parties as well as the representatives of the Registry on Wednesday 23 September 2009 at 10.30 hours in Courtroom I, in order to discuss the following issues:

- (i) Arrangements related to Mr. Abu Garda's attendance at the confirmation hearing;
- (ii) Number of Prosecution and Defence witnesses to be called to testify and language spoken;
- (iii) Arrangements related to the appearance of witnesses before the Chamber, including familiarization;

- (iv) Views of the parties with respect to the timing and conditions under which they intend to present their evidence;
- (v) Information on whether any of the parties intends to raise any issues under rule 122(2) and (3) of the Rules prior to the confirmation hearing;
- (vi) Observations of the parties and of the representatives of the Registry in relation to the logistical arrangements that are necessary for the proper conduct of the proceedings throughout the confirmation hearing;
- (vii) Views of the parties with respect to the schedule of the upcoming confirmation hearing;
- (viii) Any other issues raised by the parties and participants;

Done in both English and French, the English version being authoritative.

Dated this Friday, 18 September 2009

At The Hague, The Netherlands



Judge Sylvia Steiner
Presiding Judge



Judge Sanji Mmasenono Monageng



Judge Cuno Tarfusser