

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09

Date: 09 October 2009

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Presiding Judge

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. BAHAR IDRIS ABU GARDA***

**Public Document
with Public Annexure**

**Defence's Submission of its table containing the current level of confidentiality of
the evidence it intends to present at the confirmation hearing**

Source: The Defence

Document 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

Karim A. A. Khan

Andrew J. Burrow

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

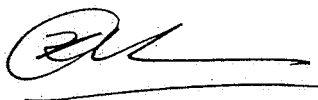
Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 2 October 2009, the Single Judge issued a "Decision Distributing the Proposed Schedule for the Confirmation Hearing" in which the Single Judge ordered the Defence and Prosecution "to file by Friday 9 October 2009 a table containing the current level of confidentiality of each and every piece of evidence they intend to present at the confirmation hearing."¹
2. Noting Pre-Trial Chamber I's "Decision on victims' modalities of participation at the Pre-Trial Stage of the Case", in which the Pre-Trial Chamber made clear that the legal representatives of the victims in the case will "have access to the public evidence filed by the Prosecution and Defence pursuant to rule 121 of the Rules and contained in the record of the case"²;
3. Further noting the Single Judge's "Decision on the Defence's application for protective measures dated 2 October 2009"³, in which the Single Judge granted the protective measures sought by the Defence;
4. The Defence hereby respectfully submits in the attached annexure its table containing the current level of confidentiality of the evidence it intends to present at the confirmation hearing.



Mr. Karim A. A. Khan

Counsel for Bahar Idriss Abu Garda

Dated this 9th Day of October 2009

At The Hague, The Netherlands

¹ ICC-02/05-02/09-129, p. 4

² ICC-02/05-02/09-136, para. 13(vi)

³ ICC-02/05-02/09-137-Conf