

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 14 October 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 OF
*THE PROSECUTOR v. BAHAR IDRISS ABU GARDA***

Public Document with CONFIDENTIAL Annexure

Defence and the Office of the Prosecutor's submission of facts contained in the Document Containing the Charges that the Parties agree to for the purposes of the confirmation hearing pursuant to Rule 69 of the Rules of Procedure

Source: The Defence and the Office of the Prosecutor

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

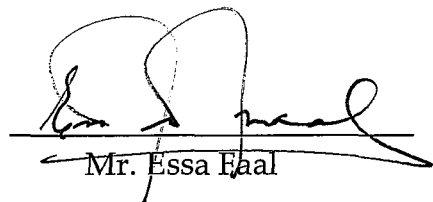
1. On 23 September 2009, the Presiding Judge, speaking for the Pre Trial Chamber I, encouraged the Office of the Prosecutor and the Defence ("the Parties") to identify facts that they might agree upon by for the purposes of the Confirmation Hearing.¹
2. Following earlier discussions between the Parties, on 7 October 2009, the Defence transmitted to the Office of the Prosecutor a document containing facts culled from the Prosecution's Document Containing the Charges Submitted Pursuant to Article 61(3) of the Statute² ("DCC") that the Defence was willing to agree to for purposes of the Confirmation Hearing. Subsequent discussions have taken place between the Parties on the facts put forward by the Defence.
3. The Parties hereby respectfully submit to the Pre-Trial Chamber, in the attached confidential annexure, sections of the DCC that they agree to, solely for the purposes of the Confirmation Hearing.
4. The Parties jointly submit Annexure A pursuant to Rule 69 of the Rules of Procedure for the Chamber to consider the facts contained therein as being proven.

Respectfully Submitted,



Mr. Karim A. A. Khan

Counsel for Bahar Idriss Abu Garda



Mr. Essa Faal

Senior Trial Lawyer

Dated this 14th Day of October 2009

At The Hague, The Netherlands

¹ ICC-02/05-02/09-T-11-ENG, p. 27-28

² ICC-02/05-02/09-91-Conf