

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 19 October 2009

PRE-TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

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

Public
Report of the Registrar on access to live transcripts by the Defence

Source: the Registrar

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

The Office of the Prosecutor

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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

Silvana Arbia

Deputy Registrar

Didier Preira

The Registrar of the International Criminal Court (“the Court”):

NOTING the Decision Amending the Schedule for the Confirmation Hearing dated 16 October 2009¹;

NOTING regulation 24 *bis* of the Regulations of the Court;

CONSIDERING that at the beginning of the first session of the confirmation of charges hearing held on 19 October 2009, the Counsel of the defense team indicated that he did not have access to the live transcripts²;

CONSIDERING that as a result the Presiding Judge suspended the hearing in order for the Registry to enable the Counsel to have access to the live transcripts;

SUBMITS the following report:

1. The Defence Counsel of Mr. Abu Garda arrived in the Courtroom a few minutes before the start of the session. He logged into the assigned workstation and found that he could not connect to the real-time transcript system.

Intervention of the Registry

2. Due to the short timeframe before the beginning of the hearing, the eCourt IT team could not resolve the problem in time for the start of the session. The eCourt team suggested that the Counsel follow the transcripts using the alternative method put in place for this specific problem.

¹ ICC-02/05-02/09-182

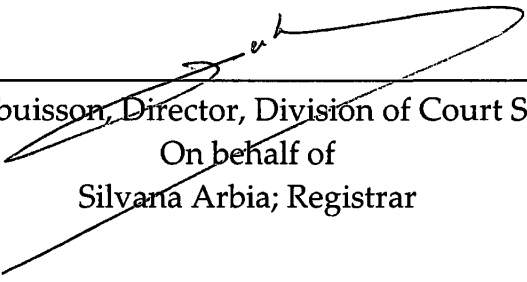
² ICC-02/05-02/09-T-12-ENG, page 4.

3. The alternative method is to switch to a video source displaying the transcripts. The restriction of this solution is that it allows the participants to follow the transcript, but does not allow them to highlight issues or make electronic notes against the transcripts. This alternative method would have allowed the Counsel to see the video feed of the transcripts while the eCourt team resolved the issue in time for the next scheduled break. The Counsel did not wish to use this option and reported the problem when the Defence was addressed.
4. The problem of access to the Counsel's realtime access to the transcripts was resolved during the 15 minute unscheduled break ordered by the Presiding Judge.

Arrival in the Courtroom 30 minutes in advance

5. It must be noted that although the eCourt IT team checks the systems every day before the start of the hearings, there is always a remaining possibility for technical problems to occur. The Registry can only be made aware of these remaining technical problems once the participants connect to their system.
6. In this instance, should the eCourt IT team have been informed of the problem sufficiently in advance, it could have solved it before the beginning of the hearing. It is imperative that all participants to the proceedings arrive in the Courtroom 30 minutes before the start of the session. This requirement is in place in order to check that all the systems which the participants need function properly. It is thus noted that all the other members of the Defence team who arrived before had access to the realtime transcripts.

7. This imperative was stressed during the 15 October information session organized by the Registry which the Defence team attended.



Marc Dubuisson, Director, Division of Court Services
On behalf of
Silvana Arbia; Registrar

Dated this 19 October 2009

At The Hague, the Netherlands