

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09

Date: 24 August 2010

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

IN THE CASE OF THE PROSECUTOR V. ABDALLAH BANDA ABAKAER

NOURAIN AND SALEH MOHAMMED JERBO JAMUS

Public Document

**Decision Setting a Time Limit for the Parties' Replies to 8 Victims' Applications
for Participation**

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, Prosecutor
Mr Essa Faal, Senior Trial Lawyer

Counsel for the Defence

Mr Karim A. A. Khan

Legal Representatives of Victims

Legal Representatives of Applicants

Sir Geoffrey Nice
Mr Rodney Dixon
Colonel Frank Adaka

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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I, Judge Cuno Tarfusser, Single Judge responsible for carrying out the functions of Pre-Trial Chamber I in relation to the proceedings of the situation in Darfur, Sudan and any related cases emanating therefrom, including the case of *The Prosecutor v. Abdallah Banda Abaker Nourain and Saleh Mohammed Jerbo Jamus* at the International Criminal Court;¹

NOTING the “Report on eight applications to participate in the proceedings”,² filed by the Victims Participation and Reparation Section on 12 August 2010 together with 8 applications (“Applications”) in which applicants request to be authorised to participate in proceedings concerning the crimes as a result of which they allegedly suffered harm;

NOTING articles 57 (3) (c) and 68 (3) of the Statute of the Court, rules 86 and 89 (1) of the Rules of Procedure and Evidence and regulations 33 and 86 of the Regulations of the Court;

CONSIDERING that, pursuant to rule 89 (1) of the Rules, the Prosecutor and the Defence are entitled to reply to applications for participation in the proceedings within a time limit to be set by the Chamber;

CONSIDERING that, pursuant to articles 68 (1) and 57 (3) (c) of the Statute, the Court shall take appropriate measures to protect *inter alia* the safety, privacy, physical and psychological well-being of victims and that these measures shall not be prejudicial to or inconsistent with the rights of the suspects and a fair and impartial trial;

¹ ICC-02/05-233.

² ICC-02/05-03/09-60-Conf-Exp.

CONSIDERING furthermore, that, in view of the nature and purposes of the present proceedings, redactions from the Applications are an appropriate measure of protection;

CONSIDERING that the identities of the applicants can be disclosed to the Prosecutor, since he is also charged with protecting victims and witnesses and, pursuant to regulation 86 of the Regulations of the Court, he can also be requested to provide the Registry and the Chamber with further information regarding the applicants and/or their applications to participate;

CONSIDERING that, on the other hand, there is no need at this stage of proceedings to disclose to the Defence the identities of the applications, since, if and when authorization to participate is granted, victims are entitled to decide whether to remain anonymous or disclose their identities to the Defence;

CONSIDERING therefore that redactions from the Applications vis-à-vis the Defence are not prejudicial to or inconsistent with the rights of the suspects and a fair and impartial trial;

FOR THESE REASONS,

ORDER

the Registry to provide, no later than on 27 August 2010:

- (i) the Prosecution with non-redacted copies of all eight Applications;
- (ii) the Counsel for the Defence with copies of all eight Applications from which names, addresses and other sensitive information which could lead to identification of the Applicants are redacted;

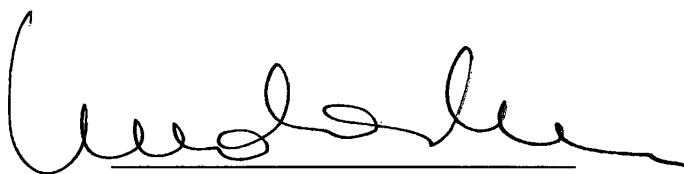
GRANT

the Prosecutor and the Counsel for the Defence until 10 September 2010 to reply to the Applications;

ORDER

all participants in the proceedings to only refer to the Applicants by the numbers assigned to them by the Registry;

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

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Judge Cuno Tarfusser
Single Judge

Dated this Tuesday, 24 August 2010

At The Hague, the Netherlands