

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 6 September 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 on the "Prosecutor's application for redactions and for authorization of
discrete redactions to the meta-data field foreseen by the E-Court Protocol"**

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

Mr. Karim A.A. Khan

Legal Representatives of Victims

Legal Representatives of 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

Ms Silvana Arbia

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Ms. Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Others

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 “Decision on issues relating to disclosure”, issued by the Chamber on 29 June 2010;²

NOTING the “First Decision on the Prosecutor’s Requests for Redactions”, issued by the Chamber on 29 July 2010;³

NOTING the “Prosecution’s application for redactions pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence and for authorization of discrete redactions to the meta-data fields foreseen by the E-Court Protocol” (“Request”) and the annexes attached thereto, dated 3 September 2010;⁴

NOTING articles 54, 57(3), 61, 67 and 68 of the Statute of the Court, rules 15, 76, 81 and of the Rules of Procedure and Evidence and regulation 42 of the Regulations of the Court;

NOTING that the Prosecutor requests the Single Judge to authorise the redactions of a number of information contained in four Agreements on Statements of Limited Use (“Agreements”) made with four witnesses whose evidence the Prosecutor relied on and disclosed to the Defence in the Abu Garda case;

NOTING that in its “Decision on issues related to Disclosure”, the Chamber, *inter alia*, decided, on the basis of the provision of regulation 42 of the

¹ ICC-02/05-210.

² ICC-02/05-03/09-49.

³ ICC-02/05-03/09-58.

⁴ ICC-02/05-03/09-67.

Regulations of the Court, that materials which were disclosed in redacted form in the Abu Garda case shall be disclosed to the defence in the same redacted form;

CONSIDERING that, since in the Abu Garda case the Single Judge authorized the non-disclosure to the defence of the identities of the four witnesses concerned in the Request,⁵ it is necessary to grant the Prosecutor the authorisation to redact from the Agreements the identifying information of the same witnesses;

NOTING that the Prosecutor also seeks authorisation from the Single Judge to redact the names and signatures of OTP investigators and other Court staff members appearing in the Agreements, pursuant to rule 81(2) of the Rules;

CONSIDERING, that, as regards the redaction falling within the category at stake, the legal and factual considerations contained in paragraph 4 of the "First Decision on the Prosecutor's Requests for Redactions" stand;

NOTING that the Prosecutor further requests the Single Judge to grant authorisation to redact the names of OTP investigators and other Court staff members appearing in the chain of custody meta-data field of the four Agreements to be disclosed as foreseen by the E-court Protocol;

CONSIDERING that in order not to frustrate the purpose of the redaction authorised by the Single Judge, such authorisations shall be considered as extending to the redactions of the same information from the meta-data field foreseen by the E-Court Protocol;

⁵ ICC-02/05-02/09-74.

FOR THESE REASONS**DECIDE**

to grant the redactions requested by the Prosecutor for the Agreements on Statements of Limited Use pursuant to rules 81(2) and 81(4) of the Rules;

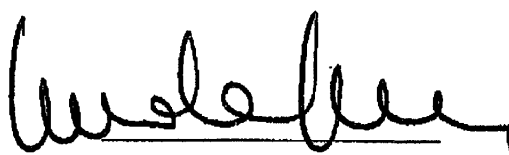
DECIDE

to authorize the redactions of the names of OTP investigators and other Court staff members, from the meta-data field contained in the approved E-court Protocol.

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

Dated this Monday, 6 September 2010

At The Hague, The Netherlands

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

Judge Cuno Tarfusser
Single Judge