

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-02/05-02/09
Date: 19 August 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 IDRIS ABU GARDA

Public Document

**Decision on the Designation of a Single Judge on Victims' Issues
and on the Deadline for the Filing of Applications for Participation**

Decision 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**
Ms. Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar
Ms. Silvana Arbia

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**
Ms. Fiona McKay

Others

PRE-TRIAL CHAMBER I (the “Chamber”) of the International Criminal Court (the “Court”);

NOTING the hearing of first appearance of Mr. Bahar Idriss Abu Garda held on 18 May 2009, in which the commencement of the confirmation of charges hearing was scheduled for Monday 12 October 2009;¹

NOTING the “Report on applications to participate in the proceedings received by the Registry” of 4 June 2009, whereby the Registry informed the Chamber that it received a group of 23 victims’ applications to participate in the proceedings in the Abu Garda case, which however appeared to be incomplete;²

NOTING the “Decision on issues relating to victims’ applications in the Case” of 12 June 2009, whereby the VPRS was ordered “to take all steps which might be necessary and appropriate for the Applications to be completed and transmitted to the Chamber as soon as feasible”;³

NOTING articles 39(2)(b)(iii) and 57(2)(b) of the Statute of the Court (the “Statute”), rule 7(1) of the Rules of Procedure and Evidence (the “Rules”) and regulation 47(1) and (2) of the Regulations;

CONSIDERING that, pursuant to article 39(2)(b)(iii) of the Statute, the functions of the Pre-Trial Chamber shall be carried out either by three judges of the Pre-Trial

¹ ICC-02/05-02/09-T-2-ENG.

² ICC-02/05-02-09-19-Conf-Exp.

³ ICC-02/05-02-09-20.

Division or by a single judge of that division in accordance with the Statute and the Rules;

CONSIDERING that pursuant to article 57(2)(b) of the Statute, in all cases other than those listed in article 57(2)(a) of the Statute, a single judge of the Pre-Trial Chamber may exercise the functions provided for in the Statute, unless otherwise provided for in the Rules or by a majority of the Pre-Trial Chamber;

CONSIDERING that rule 7(1) of the Rules and regulation 47(1) of the Regulations establish that the designation of a single judge shall be based on objective criteria agreed upon by the Pre-Trial Chamber, including consideration of the issues involved, the circumstances of the proceedings before the Chamber, the distribution of work within the Chamber and the proper management and efficiency in the handling of cases;

CONSIDERING further that regulation 47(2) of the Regulations provides that the Pre-Trial Chamber may designate more than one single judge when the efficient management of the workload of the Chamber so requires;

CONSIDERING that, in light of the above mentioned criteria, in particular the distribution of work within the Chamber and the proper management and efficiency in the handling of the proceedings before the Chamber, it is appropriate to designate Judge Sanji Mmasenono Monageng as Single Judge responsible for all issues related to victims' applications to be authorized to participate as victims in the proceedings relating to the case of *The Prosecutor v. Bahar Idriss Abu Garda* (the "Abu Garda case");

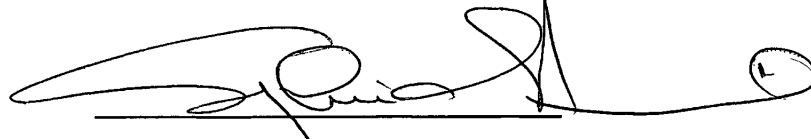
CONSIDERING further that, at this stage, the Chamber deems it appropriate to establish a deadline for the submission of victims' applications to be authorized to participate as victims in the proceedings relating to the Abu Garda case;

FOR THESE REASONS,

DECIDES to appoint Judge Sanji Mmasenono Monageng as Single Judge responsible for all issues related to victims' applications to be authorized to participate as victims in the proceedings relating to the Abu Garda case;

ORDERS the VPRS to submit, by no later than Friday 11 September 2009, the VPRS report and the victims' applications to be authorized to participate as victims in the proceedings relating to the confirmation of charges in the Abu Garda case.

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



Judge Sylvia Steiner

Presiding Judge



Judge Sanji Mmasenono Monageng



Judge Cuno Tarfusser

Dated this Wednesday, 19 August 2009

At The Hague, The Netherlands