

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 24 August 2009

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

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

Public Document

Decision scheduling a hearing

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. Karin 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

Victims and Witnesses Unit

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. Bahar Idriss Abu Garda* (the "Case"), at the International Criminal Court¹;

NOTING the "Prosecution's Notification to the Chamber of the Summaries to be relied upon *in lieu* of the Transcripts of Witnesses DAR-OTP-WWW-0305, DAR-OTP-WWWW-0307 and DAR-OTP-WWWW-0314, and Request for Authorisation for Non-disclosure in the Summaries of Identities of Witnesses and Members of their Families Contained in the Transcripts, Pursuant to Article 68(5) of the Rome Statute and 81(4) of the Rules of Procedure and Evidence" (the "Prosecutor's Request") filed by the Prosecutor on 17 August 2009;

NOTING articles 68 of the Statute of the Court and rule 81(4) of the Rules of Procedure and Evidence;

CONSIDERING that, at this stage, it is necessary to receive from the Prosecutor and the Victims and Witnesses Unit (the "VWU"), prior to deciding upon the Prosecutor's Request, some additional information about the personal situation of the witnesses whose identities, according to the Prosecutor's assessment, shall not be disclosed;

CONSIDERING that, in light of the content of the information required and with a view to ensuring the expeditiousness of the proceedings, there is a need for a hearing to be attended by both the Prosecutor and the Victims and Witnesses Unit;

¹ ICC-02/05-210.

CONSIDERING appropriate, bearing in mind the paramount principle of ensuring the expeditiousness of the proceedings, that subject-matter of the hearing be also the situation of the witnesses for whom the Prosecutor will be requesting anonymity in subsequent requests filed before such a hearing, if any;

CONSIDERING that, in light of the confidential nature of the information to be provided and discussed, the hearing should be held *ex parte* and in closed session;

FOR THESE REASONS

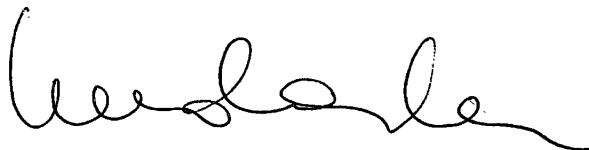
DECIDE

to convene an *ex parte* hearing with the Prosecutor and the VWU to be held in closed session on Wednesday, 26 August 2009 at 15.00 hours;

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

Dated this Monday, 24 August 2009

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