

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05-02/09  
Date: 2 October 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 requesting the Defence to submit observations on reclassification**

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**

Mr Brahim Koné  
Ms Hélène Cissé

**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**

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**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 Court<sup>1</sup>;

**NOTING** articles 64(2) and 67(1) of the Rome Statute, rules 13 and 15 of the Rules of Procedure and Evidence, regulations 8, 23 *bis* and 26 of the Regulations of the Court, and regulation 14 of the Regulations of the Registry;

**CONSIDERING** the principle of publicity of the proceedings as prescribed in article 67(1) of the Statute;

**CONSIDERING** that it is appropriate for the Single Judge to conduct a *proprio motu* assessment of the level of confidentiality of the filed documents in the Case in view of the upcoming confirmation hearing;

**CONSIDERING** beneficial for the Single Judge to receive observations by the Defence on the possible reclassification of document ICC-02/05-02/09-113-Conf as "public", and of document ICC-02/05-02/09-113-Conf-Exp-AnxA as "confidential", in order to decide on any necessary changes in their level of confidentiality;

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<sup>1</sup> ICC-02/05-210.

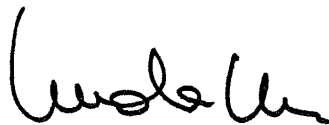
**FOR THESE REASONS****REQUEST**

the Defence to submit, no later than Monday, 5 October 2009, written observations on the possible reclassification of documents ICC-02/05-02/09-113-Conf and ICC-02/05-02/09-113-Conf-Exp-AnxA.

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

Dated this Friday, 2 October 2009

At The Hague, The Netherlands



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**Judge Cuno Tarfusser**  
**Single Judge**