

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 July 2009

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

SITUATION IN DARFUR, SUDAN

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

Public Document

**Decision Inviting the Parties to submit their Observations
on the E-court Protocol submitted by the Registrar**

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 the Victims

Legal Representatives of the 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

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I, Judge Sylvia Steiner, judge at the International Criminal Court (“the Court”);

NOTING the “Decision on the Temporary Replacement of the Single Judge for the period of 22 July to 17 August 2009”, whereby Judge Sylvia Steiner was designated Single Judge for the situation in Darfur, Sudan and any case emanating therefrom, including the case of the Prosecutor v. Bahar Idriss Abu Garda, for the period of 22 July to 17 August 2009;¹

NOTING the “Second Decision on issues relating to disclosure”,² whereby the Chamber, *inter alia*, decided that “the system governing disclosure for the purpose of the confirmation hearing in the present case shall be the one that governed disclosure in the previous cases before this Chamber with the changes expressly provided in the present decision”³ and therefore ordered the parties “to submit any evidence with the appropriate metadata in accordance with the e-Court protocol as set out in the Katanga and Ngudjolo case” and the Registry “to provide the Defence with the e-court Protocol”;⁴

NOTING the “Submission in the record of the case by the Registrar of a revised version of the E-court Protocol used by Pre-Trial Chamber I in the Lubanga and the Katanga and Ngudjolo cases” of 23 July 2009 (the “Submission”);⁵

¹ ICC-02/05-225 and ICC-02/05-02/09-37.

² ICC-02/05-02/09-35.

³ ICC-02/05-02/09-35, p. 13.

⁴ ICC-02/05-02/09-35, p. 14.

⁵ ICC-02/05-02/09-38.

NOTING that, in the Submission, the Registrar noted that the E-court Protocol filed in the record of the case includes some technical improvements which were inserted, following extensive discussion with the Knowledge Base Unit of the Office of the Prosecutor and the Defence teams, in the E-court Protocol in the Trial phase of the Katanga and Ngudjolo case⁶, while all the metadata fields remain as initially ordered by Pre-Trial Chamber I;⁷

NOTING, furthermore that, in the Submission, the Registrar suggested that the technical improvements “be implemented in the current case in order to simplify the work of the users” also with a view to defining a Protocol “which would be consistent across cases and phases”;⁸

CONSIDERING that, in light of the above-mentioned technical improvements, the Single Judge deems it appropriate to receive the observations from the parties with respect to the revised version of the E-court Protocol filed by the Registrar in the record of the present case;

⁶ ICC-02/05-02/09-38, page 5.

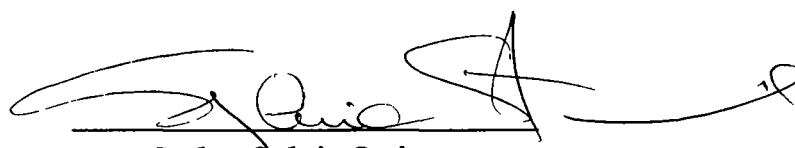
⁷ ICC-02/05-02/09-38, page 6.

⁸ ICC-02/05-02/09-38, page 5.

FOR THESE REASONS,

INVITE the parties to submit, by no later than 17 August 2009, their observations on the revised version of the E-court Protocol submitted by the Registrar in its Submission.

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



Judge Sylvia Steiner
Single judge

Dated this Thursday 30 July 2009

At The Hague,

The Netherlands