

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05  
Date: 17 April 2009

**PRE-TRIAL CHAMBER I**

**Before: Judge Cuno Tarfusser, Single Judge**

**SITUATION IN DARFUR**

**URGENT  
Public document**

**Decision scheduling a hearing**

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, Senior Trial Lawyer

**Counsel for the Defence**

**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**

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**Registrar and Deputy Registrar**  
Silvana Arbia and Didier Preira

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**I, Judge Cuno Tarfusser**, judge at the International Criminal Court (the “Court”);

**NOTING** the “Decision assigning the Situation in Darfur, Sudan to Pre-Trial Chamber I” issued by the Presidency on 21 April 2005<sup>1</sup>;

**NOTING** the “Decision on the designation of a Single Judge of Pre-Trial Chamber I” dated 26 March 2009<sup>2</sup>, whereby Pre-Trial Chamber I (the “Chamber”) designated Judge Cuno Tarfusser as Single Judge responsible for carrying out the functions of the Chamber in relation to the proceedings of the situation in Darfur, Sudan (the “Situation”) and any related cases emanating therefrom;

**NOTING** the “Prosecution’s Application under Article 58” (“the Prosecution Application”) filed by the Prosecutor in the record of the Situation on 20 November 2008, requesting that the Chamber issue warrants of arrest or, alternatively, summonses to appear for three individuals<sup>3</sup>;

**NOTING** the Prosecutor’s “Submission of information on the Prosecution’s Application Pursuant to Article 58 and request for summonses to appear” dated 23 February 2009<sup>4</sup>;

**NOTING** the “Prosecution’s Provision of Further Information Pursuant to the ‘Decision Requesting Additional Information and Supporting Materials’, and Urgent Request for Expedited Consideration of Prosecution’s Application under Article 58” dated 27 March 2009<sup>5</sup> and the redacted version thereof filed on 16 April 2009<sup>6</sup>;

**NOTING** articles 58, 72 and 87 of the Statute of the Court (the “Statute”);

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

<sup>2</sup> ICC-02/05-210.

<sup>3</sup> ICC-02/05-163-Conf-Exp.

<sup>4</sup> ICC-02/05-194-Conf-Exp.

<sup>5</sup> ICC-02/05-211-Conf-Exp.

<sup>6</sup> ICC-02/05-213.

**CONSIDERING** that it is necessary to receive additional information prior to deciding upon the Prosecutor's Application;

**CONSIDERING** that, in light of the nature and content of the information required, there is a need for a hearing to be attended by both the Prosecutor and the Registrar;

**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;

**NOTING** that the agenda of the hearing is provided as a confidential and ex parte Annex to the present decision;

**FOR THESE REASONS**

**DECIDE** to convene an ex parte hearing with the Prosecutor and the Registrar to be held in closed session on Tuesday, 21 April 2009 at 10.00 hours.

**DECIDE** that, in the said hearing, the items listed in the agenda contained in Annex I to the present decision shall be discussed.

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

  
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Judge Cuno Tarfusser  
Single Judge

Dated this Friday, 17 April 2009

At The Hague, the Netherlands