



Original: English

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

Date: 29 June 2009

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Presiding Judge
Judge Cuno Tarfusser, Judge
Judge Sanji Mmasenono Monageng, Judge

**SITUATION IN DARFUR, SUDAN
IN THE CASE OF
THE PROSECUTOR
*v. BAHAR IDRIS ABU GARDA***

Public Document

**Decision of the Registrar on the application of Bahar Idriss Abu Garda requesting
legal assistance to be paid by the Court**

Source: Registrar

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, Prosecutor

Mr Essa Faal, Senior Trial Lawyer

Counsel for the Defence

Mr Karim A.A.Khan

REGISTRY

Registrar

Silvana Arbia

Deputy Registrar

Mr Didier Preira

Defence Support Section

Mr Esteban Peralta-Losilla

THE REGISTRAR of the International Criminal Court (the “Court”);

NOTING Article 67, paragraph 1 (d) of the Rome Statute;

NOTING Regulations 83, 84 and 85 of the Regulations of the Court;

NOTING Regulations 130 and 131 of the Regulations of the Registry;

NOTING the Financial Information Form (the “Application”) submitted by Mr Bahar Idriss Abu Garda (the “Applicant”) requesting legal assistance to be paid by the Court, received by the Registry on 4 June 2009;

NOTING the letter dated 16 June 2009 sent to the Applicant by the Registry in accordance with Regulation 132.2 of the Regulations of the Registry inviting him to furnish the information missing in the Application, and his response dated on 21 June 2009 in which he submitted the requested information (the “Additional Information”);

CONSIDERING the information submitted by the Applicant on his financial situation, as indicated in the Application and the Additional Information;

CONSIDERING that a preliminary determination based on the Application and the Additional Information in accordance with the Regulation 84.1 of the Regulations of the Court, suggests *prima facie* that the Applicant does not have the means to pay the cost of his legal representation before the Court;

CONSIDERING that, in order to facilitate the investigation on his financial situation, the Applicant freely authorized the Registrar, to carry out all the necessary procedures before, *inter alia*, financial institutions and land registries and, if necessary, to have access to his household, previous employment history, bank accounts and any other relevant financial information for the purpose of the determination of indigence;

CONSIDERING that the Registrar was informed before the summons to appear before the Court was unsealed that Mr. Karim A. A. Khan had been appointed by the Applicant as his counsel in order to represent him in the proceedings before the Court and counsel accepted the mandate in accordance with the power of attorney duly executed on 21 March 2009;

CONSIDERING that the first appearance of the Applicant before Pre-Trial Chamber I was held on 18 May 2009 and that he was represented by his counsel, Mr Karim A. A. Khan during the said hearing;

CONSIDERING that Pre-Trial Chamber I declared that the commencement of the confirmation of charges hearing is scheduled for Monday 12 October 2009;

CONSIDERING that the abovementioned circumstances justify a provisional decision of the Registrar on the Application. Such a decision would not only safeguard the rights of the Applicant to an efficient and effective defence but would equally be in keeping with the interest of justice and the integrity of the proceedings;

BASED ON THE FOREGOING, DECIDES:

- In light of the above indicated circumstances and the information submitted by the Applicant, M. Bahar Idriss Abu Garda, is provisionally considered fully indigent pursuant to Regulation 85.1 *in fine* of the Regulations of the Court, subject to the ultimate results of the investigation into his financial situation;
- The costs of legal representation of the Applicant in proceedings before the Court will be provisionally borne by the legal aid scheme of the International Criminal Court;
- The decision herein will be reassessed once the investigation on the financial situation of the Applicant has been completed pursuant to the Regulation 85.2 of the Regulations of the Court, and
- The Applicant is hereby informed that pursuant to Regulation 85 of the Regulations of the Court, he may seek review of this decision by the Presidency of the Court within 15 days from the date of notification.

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



Silvana Arbia
Registrar

Dated this 29 June 2009

At The Hague, Netherlands