

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05-02/09  
Date: 22 September 2009

**PRE-TRIAL CHAMBER I**

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

**SITUATION IN DARFUR, SUDAN**

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

**Public Document**

**Decision on the Defence's Urgent Application for an ex parte hearing and  
rescheduling the hearings to be held on 23 September 2009**

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

Mr Andrew J. Burrow

**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**PRE-TRIAL CHAMBER I** of the International Criminal Court (the “Chamber” and the “Court” respectively);

**NOTING** the “Urgent Defence Application for an Ex Parte Hearing” dated 22 September 2009, filed as “confidential, with two “confidential ex parte defence” Annexes (the “Defence’s Application”);<sup>1</sup>

**CONSIDERING** it necessary for the Chamber to hear the Defence on an ex parte basis prior to deciding on the remedies requested in the Defence’s Application;

**CONSIDERING** that the Defence proposed that the requested hearing be held on Wednesday, 23 September 2009, “preferably before the ex parte hearing with the Prosecution scheduled for 9.30 hours, but in any event before the public hearing scheduled for 10.30 hours”;

**CONSIDERING** that, accordingly, there is a need to amend the scheduling of the hearings to be held on Wednesday, 23 September 2009 as set forth in the “Decision Convening two Hearings on 23 September 2009”<sup>2</sup> ;

**HEREBY RENDERS THIS DECISION:**

**DECIDES** to convene an *ex parte* hearing with the Defence to be held in closed session on Wednesday 23 September 2009 at 9.30 hours in Courtroom I;

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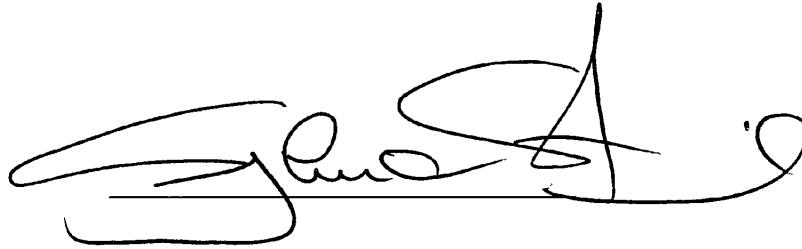
<sup>1</sup> ICC-02/05-02/09-113-Conf.

<sup>2</sup> ICC-02/05-02/09-110.

**DECIDES** that the *ex parte* hearing with the Prosecution to be held in closed session, originally scheduled for Wednesday 23 September 2009 at 9.30 hours, shall be postponed until 11 hours on the same day;

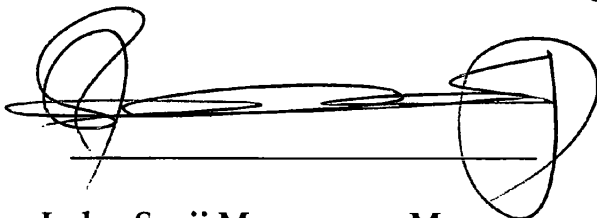
**DECIDES** that the public hearing to be held with the parties as well as the representatives of the Registry, originally scheduled for Wednesday 23 September 2009 at 10.30 hours, is postponed until 14 hours on the same day, in Courtroom I.

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

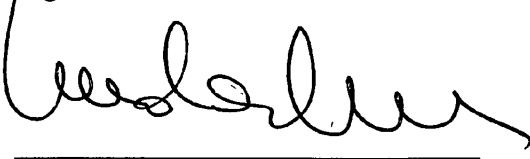


**Judge Sylvia Steiner**

**Presiding Judge**



**Judge Sanji Mmasenono Monageng**



**Judge Cuno Tarfusser**

Dated this Tuesday, 22 September 2009

At The Hague, The Netherlands