

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 October 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

**Application requesting the granting of access to the Office of Public Counsel for
the Defence to real time transcripts of hearings**

Source: Defence

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 the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Defence hereby applies to the Pre-Trial Chamber for an order granting access to the Office of Public Counsel for the Defence (OPCD) to real time transcripts of hearings in this case, through iTranscend.
2. The Defence respectfully submits that the OPCD should have access to transcripts in real time through iTranscend in order to fulfil its mandate which consists, *inter alia*, in assisting Defence Counsel with legal research.¹ While the Defence understands that the OPCD generally receives corrected transcripts in the normal course, this usually happens only several days, and occasionally weeks, after the hearing due to corrections and redactions having to be made.
3. The Defence may request the assistance of OPCD on legal issues which may arise at any moment during the confirmation hearing which commences on Monday, 19 October 2009, and real time access to the transcripts would mean OPCD is in a far better position to assist the Defence.
4. During the Status Conference hearing of 23 September 2009, the Pre-Trial Chamber enquired of the Defence if access of OPCD to the real time transcripts would be necessary.
5. While the Defence indicated that it was not requesting such access itself at that stage, after discussion with the Principal Counsel of the OPCD, Mr. Keita, concerning the manner in which assistance could be provided, the Defence now considers that such access could indeed prove useful.
6. The Defence understands that such real time access to transcripts of hearings through iTranscend has already been granted to the OPCD in the *Lubanga* case by the Trial Chamber and in the *Ngudjolo* and *Katanga* cases by the Pre-Trial and Trial Chambers.
7. For the foregoing reasons, the Defence respectfully requests the Pre-Trial Chamber:
 - 7.1. to grant the OPCD real time access to transcripts in the present Case through iTranscend;

¹ As set out in Regulation 77(5)(a) of the Regulations of the Court.

- 7.2. to order the Registry to take all steps necessary to providing such access prior to the commencement of the confirmation hearing on Monday, 19 October 2009; and
- 7.3. to grant such further and/or alternative relief as may be necessary.

Respectfully submitted,



Karim A.A. Khan
Counsel for the Defence

Dated this 12th day of October 2009

At The Hague, THE NETHERLAND