

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 14 October 2009

**PRE-TRIAL CHAMBER I**

**Before: Judge Sanji Mmasenono Monageng, Single Judge**

**SITUATION IN DARFUR, SUDAN**

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

**Public Document**

**Decision on the "Request in respect of Information relevant to Victim  
Participation on the basis of the Decision on 52 Applications for Participation at  
the Pre-Trial Stage of the Case"**

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**

Mr Brahim Koné

Ms Hélène Cissé

Mr Akin Akinbote

Mr Frank Adaka

**Legal Representatives of the Applicants**

Sir Geoffrey Nice QC

Mr Rodney Dixon

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keïta

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar & Deputy Registrar**

Ms Silvana Arbia & Mr Didier Daniel  
Preira

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms Fiona McKay

**Other**

**Judge Sanji Mmasenono Monageng**, acting as Single Judge on behalf of Pre-Trial Chamber I (the “Chamber”) of the International Criminal Court (the “Court”) with respect to victims’ issues in the case of *The Prosecutor v. Bahar Idriss Abu Garda*;<sup>1</sup>

**NOTING** the “Decision on the Designation of a Single Judge on Victims’ Issues and on the Deadline for the Filing of Applications for Participation” of 19 August 2009 whereby the Chamber, *inter alia*, ordered the Victims Participation and Reparations Section (the “VPRS”) to submit, no later than Friday 11 September 2009, its report together with the victims’ applications to be authorised to participate as victims in the proceedings relating to the confirmation of charges in the Abu Garda Case;<sup>2</sup>

**NOTING** the “Second report on applications to participate in the proceedings” filed by the Registry on 11 September 2009,<sup>3</sup> in which it submits, as annexes, 52 applications for participation in the pre-trial phase of the Case<sup>4</sup> and a Letter from the Legal Representatives of Applicants a/0581/09 to a/0586/09;<sup>5</sup>

**NOTING** the “Report on applications a/0581/09 to a/0586/09 and request for extension of deadline in order to file supplementary information received” submitted by the VPRS on 15 September 2009;<sup>6</sup>

**NOTING** the “Decision Ordering the Parties to Submit their Observations on the 52

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<sup>1</sup> ICC-02/05-02/09-55.

<sup>2</sup> ICC-02/05-02/09-55, p. 6.

<sup>3</sup> ICC-02/05-02/09-97-Conf-Exp.

<sup>4</sup> ICC-02/05-02/09-97-Conf-Exp, Anx3-Anx54.

<sup>5</sup> ICC-02/05-02/09-97-Conf-Exp-Anx2.

<sup>6</sup> ICC-02/05-02/09-104-Conf-Exp.

Applications for Victims' Participation in the Proceedings" of 16 September 2009 ("the 16 September 2009 Decision"), whereby the Single Judge, *inter alia*, granted the extension of time limit requested in relation to applications a/0581/09 to a/0586/09;<sup>7</sup>

**NOTING** the "Filing of translations and supplementary information in respect of applications to participate in proceedings a/0581/09 to a/0586/09 and a/0536/09" submitted by the VPRS on 16 September 2009;<sup>8</sup>

**NOTING** the "Decision on the 52 Applications for Participation at the Pre-Trial Stage of the Case" of 8 October 2009, whereby the Single Judge denied authorization to participate in the proceedings as victims to Applicants a/0581/09 to a/0586/09 (the "Applicants");<sup>9</sup>

**NOTING** the "Request in respect of Information relevant to Victim Participation on the basis of the Decision on 52 Applications for Participation at the Pre-Trial Stage of the Case" of 9 October 2009 ("The Legal Representatives' Request"), whereby the Legal Representatives of the Applicants urged the Single Judge to consider further information to be obtained from the Applicants and to be submitted to the VPRS by Monday 12 October 2009;<sup>10</sup>

**NOTING** the "Filing of supplementary information in relation to applications a/0584/09 and a/0585/09" submitted by the VPRS on 12 October 2009;<sup>11</sup>

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<sup>7</sup> ICC-02/05-02/09-106.

<sup>8</sup> ICC-02/05-02/09-105-Conf-Exp and annexes.

<sup>9</sup> ICC-02/05-02/09-147.

<sup>10</sup> ICC-02/05-02/09-154.

<sup>11</sup> ICC-02/05-02/09-158-Conf-Exp + Conf-Exp Anxs 1-3.

**NOTING** the “Filing of further supplementary information in relation to applications a/0582/09, a/0584/09 and a/0585/09” submitted by the VPRS on 13 October 2009;<sup>12</sup>

**NOTING** article 68(3) of the *Rome Statute* (“the Statute”), rule 89(2) of the *Rules of Procedure and Evidence* (“the Rules”) and regulations 34(a) and 35 of the *Regulations of the Court* (“the Regulations”);

**CONSIDERING** that in the 16 September 2009 Decision the Single Judge granted the extension of time limit requested in relation to the Applicants until 16 September 2009 and recalled that “additional applications, at this stage of the proceedings, will not be accepted”;<sup>13</sup>

**CONSIDERING** therefore that, being filed after the aforementioned 16 September 2009 deadline, the Legal Representatives’ Request and the supplementary information will not be considered by the Single Judge, at this stage of the proceedings leading to and at the confirmation hearing in the present case, without prejudice for a further submission “later in the proceedings”, pursuant to rule 89(2) of the Rules;

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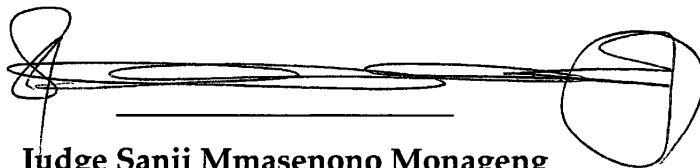
<sup>12</sup> ICC-02/05-02/09-161-Conf-Exp + Conf-Exp Anxs 1-3

<sup>13</sup> ICC-02/05-02/09-106, p. 7.

**FOR THESE REASONS, THE SINGLE JUDGE HEREBY:**

**REJECTS *in limine* the Legal Representatives' Request.**

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

A handwritten signature in black ink, consisting of a series of loops and a final circular flourish on the right.

**Judge Sanji Mmasenono Monageng**

**Single Judge**

Dated this Wednesday 14 October 2009

At The Hague, The Netherlands