

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05
Date: 27 January 2012

PRE-TRIAL CHAMBER I

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

THE SITUATION IN DARFUR, SUDAN

Public Document

**Decision requesting supporting materials for the “Prosecutor’s Application under
Article 58”**

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, Prosecutor
Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

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

Registrar

Ms Silvana Arbia

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

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

NOTING the “Prosecutor’s Application under Article 58” (“Prosecution’s Application”),¹ filed on 2 December 2011, whereby the Prosecution, *inter alia*, requests the Chamber to find that there are reasonable grounds to believe that Abdel Raheem Muhammad Hussein is criminally responsible for war crimes and crimes against humanity within the jurisdiction of the Court allegedly committed in the province of Darfur in the Republic of the Sudan between August 2003 and March 2004;²

NOTING article 58(1) and (2)(d) of the Rome Statute (“Statute”) and regulation 28 of the Regulations of the Court;

CONSIDERING that pursuant to article 58(1) of the Statute, the issuance of a warrant of arrest is subject to the Pre-Trial Chamber being satisfied – having examined the evidence presented by the Prosecution – that there are reasonable grounds to believe that a person has committed a crime falling within the jurisdiction of the Court;

CONSIDERING that a number of documents referenced in relation to allegations made in the Prosecution’s Application are not included in the annexes to the Application and the Chamber is thus unable to examine that evidence;

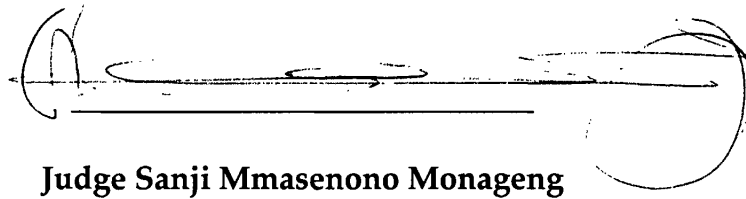
¹ ICC-02/05-237-US-Exp with Annexes; ICC-02/05-237-Red.

² ICC-02/05-237-Red, paras. 34, 38, 46.

FOR THESE REASONS,

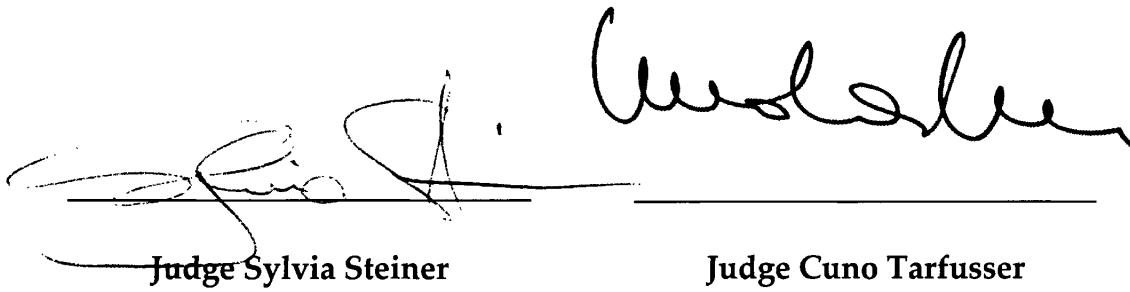
ORDERS the Prosecution, no later than 1 February 2012 at 16.00 hours, to provide the documents referred to in the Prosecution's Application but not appended thereto, including documents: DAR-OTP-0181-0018, DAR-OTP-0181-0021, DAR-OTP-0094-0396, DAR-OTP-0088-0262, DAR-OTP-0094-0002, DAR-OTP-0107-0627, DAR-OTP-0116-0889, DAR-OTP-0110-0054, DAR-OTP-0088-0187, DAR-OTP-0181-0037, DAR-OTP-0174-0224, DAR-OTP-0093-0002, DAR-OTP-0088-0150, DAR-OTP-0006-0076, DAR-OTP-0116-1034, DAR-OTP-0181-0066, DAR-OTP-0021-0165, DAR-OTP-0181-0064, DAR-OTP-0080-0041, DAR-OTP-0136-0462, DAR-OTP-0107-1151, DAR-OTP-0153-1169, DAR-OTP-0138-0567, DAR-OTP-0099-0473, DAR-OTP-0116-0721, DAR-OTP-0008-0248, DAR-OTP-0116-0959, DAR-OTP-0016-0080, or, if any of these documents have been previously filed in the record of the situation in Darfur, to provide the Chamber with an explanatory note to enable it to easily locate such documents and match them with the ERN numbers cited in the Prosecution Application.

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



Judge Sanji Mmasenono Monageng

Presiding Judge



Judge Sylvia Steiner **Judge Cuno Tarfusser**

Dated this Friday, 27 January 2012

At The Hague, The Netherlands