

1 International Criminal Court  
2 Pre-Trial Chamber I - Courtroom 2  
3 Situation: Darfur, The Sudan - ICC-02/05-02/09  
4 Case against Bar Idris Abu Garda  
5 Ex Parte Hearing with Registry and Office of the Prosecutor  
6 Closed Session  
7 Tuesday, 9 June 2009  
8 *(The hearing starts at 15:00)*

9 PRESIDING JUDGE TARFUSSER: Now we will continue this hearing as an  
10 ex parte hearing, and continue with point 5, I think. And I give the floor to  
11 the Prosecution.

12 MR. FAAL: Thank you, your Honor. The Prosecution is still  
13 represented by the same team as in the earlier hearing. I notice, though, that  
14 the VWU is now represented. So perhaps I should first give them the  
15 opportunity to introduce ...

16 PRESIDING JUDGE TARFUSSER: Oh, yes.

17 MR. FAAL: ... the new participants? Thank you.

18 MR. MAVIN: Yes, your Honor. Paul Mavin, protection officer from  
19 VWU.

20 PRESIDING JUDGE TARFUSSER: OK. Thank you very much.

21 MR. FAAL: Thank you. Your Honor, question 5 states as follows:  
22 "For the Prosecution ..." it's rather question 4, your Honor. Let me just  
23 clarify that. Question 4.

24 "For the Prosecution to give an indication as to whether the  
25 Prosecution intends to request that protective measures be put in place in

1 order to protect witnesses, victims and other persons at risk prior to the  
2 disclosure of the names of the witnesses or of certain documents, or  
3 otherwise, including any relevant information on the steps we are taking  
4 and/or intend to take in this respect which might be available at this stage."

5           Your Honor, my colleague has explained the reasons for asking that  
6 this part of the questions be dealt with ex parte. We really do not have much  
7 at this stage to submit on this particular question, but we just thought that  
8 perhaps your Honor may have questions regarding some of our witnesses; in  
9 which case, we would not want those (*inaudible*) to go to the defence. But all  
10 the same, I would submit the little information that we can provide now.  
11 Should in case your Honor have questions, we will be more than happy to answer  
12 those questions.

13           Your Honor, at this stage, the Prosecution would only wish to reserve  
14 the option to make, at the appropriate time, ex parte applications for  
15 protective measures to be put in place with respect to some of the witnesses.  
16 As a first step, the Prosecution has already carried out a security risk  
17 assessment of all the witnesses. We are now planning to contact the relevant  
18 witnesses and their governments in order to determine what measures need be  
19 put in place to adequately provide for their protection. Once that is done, we  
20 will be able to decide on which measures and we will make the necessary  
21 applications.

22           Other than victim witnesses, there are no victims or other persons  
23 who are assessed to be at risk. As such, the Prosecution does not intend to  
24 make any requests for protective measures for victims or other persons at this  
25 time. Should the situation change, however, with regards to other persons, the

1 Prosecution will make the necessary applications to the Chamber and we will  
2 take it from there. That's all we have on this particular issue. And we will  
3 be more than happy to answer whatever questions your Honor may have on this  
4 subject. Thank you.

5 PRESIDING JUDGE TARFUSSER: So at this moment, there is no problem  
6 under this point 4.

7 MR. FAAL: No, your Honor, there is not.

8 PRESIDING JUDGE TARFUSSER: OK. And we will see how ...

9 MR. FALL: Things evolve.

10 MR. JUDGE TARFUSSER: ... things evolve.

11 MR. FAAL: Yes, your Honor.

12 PRESIDING JUDGE TARFUSSER: Just another thing I was thinking is,  
13 can you give a time schedule for the redaction for disclosure, to give us from  
14 now until the 12 September an overview about how things will evolve from  
15 timing?

16 MR. FAAL: Your Honor, at the present moment, 15 statements or  
17 transcripts must be redacted. We have started the process. We hope that we  
18 will finish the redaction process by next week. But what is certain is, that  
19 by next week we will start putting in the applications for authorisation of  
20 the proposed redactions.

21 It may not be all 15 statements or transcripts, because some of them  
22 are bulky, but we would at least make some next week and we will stagger them.  
23 So we are hoping that within a month we should be able to get the necessary  
24 approvals for all the redactions that we are going to seek. But that, too,  
25 depends on how much time the Pre-Trial Chamber would be available to consider

1 the proposed redactions.

2 So it's difficult to state time, but we are hopeful that within a  
3 month at least this process could be concluded, the process of submitting the  
4 applications and obtaining the necessary approvals, and then disclosing the  
5 approved redactions. So we are hoping that we should be able to achieve that  
6 within a month.

7 PRESIDING JUDGE TARFUSSER: OK. Thank you very much. So I think at  
8 this moment we can close this hearing. And we will come out with a decision on  
9 it as soon as possible, but we will say next week as well. OK. Thank you very  
10 much. Thank you.

11 COURT USHER: All rise.

12 *(The hearing ends at 15:10)*