

Informal summary of Public Hearing
26 August 2010

Nature of the hearing: Status Conference

Chamber: Pre-Trial Chamber I: Single Judge Cuno Tarfusser

Parties: OTP: Mr. Essa Faal and team; Defence: Mr. Karim Khan, Ms. Abeer Hasan, Mr. Andrew Burrow

Registry team

Key Issues and Developments

This hearing was the third status conference in the Banda/ Jerbo case (both suspects had their initial appearance before the Chamber on 17 June 2010). The hearing dealt with disclosure and translation issues in preparation for the upcoming confirmation of charges hearing scheduled for 22 November 2010. Both OTP and Defence generally expressed satisfaction with the process of disclosure so far. Unless one of the parties request it, there will be no further status conference prior to the confirmation hearing.

Questions Asked by Judge Tarfusser

Judge Tarfusser, at the beginning of the hearing, asked several general questions to both the OTP and the Defence, regarding follow-up issues from the last status conference, most notably regarding the lifting of redactions, the disclosure of materials, protective measures taken, and the translation of documents.

OTP's positions

The Prosecution stated:

- with regards to disclosure and the lifting of redactions, it had already released parts of the documents in the Abu Garda case, and will release other documents very soon; Regarding OTP witnesses 441 and 466, the OTP cannot release statements by these witnesses as protection measures are still under consideration;
- on the referrals, the OTP plans to use full transcripts of 3 of the 5 witnesses;
- with regard to translation, work has already started, all relevant translations should be finished by the end of September.

Defence's positions

The Defence expressed general satisfaction with the process of disclosure and the information communicated by the Prosecution.

The Defence confirmed that it will be satisfied with getting only summaries of statements;

- Regarding Witness 467: Defence claimed that - according to article 77 RPE and 67(2) RS -the Defence should have a summary if the statement is “material”;
 - o OTP responded that the statement would not be used in Court, and therefore was not “material” and did not need to be summarized for the Defence;
 - o After some discussion, the Defence conceded that there was no controversy any longer;

- The Defence asked that the “Document Confirming the Charges” be disclosed as soon as possible, and stated that it would be helpful to the Defence that the factual aspects of the DCC be translated; it would be content with a working copy as soon as possible

Final Comments

The Chamber indicated that there will be no further status conference, unless one of the parties requests it. The confirmation of charges hearing remains scheduled for 22 November 2010.

This is a very informal summary. If you would like to share information based on this document, please let us know so that we can discuss how this can be done carefully. Please do not forward without prior consent from CICC staff.

INFORMAL SUMMARY