



Original: English

No. ICC-02/05-01/09 OA
Date: 18 September 2009

THE APPEALS CHAMBER

Before: Judge Erkki Kourula, Presiding Judge
Judge Sang-Hyun Song
Judge Ekaterina Trendafilova
Judge Daniel David Ntanda Nsereko
Judge Joyce Aluoch

**SITUATION IN DARFUR, SUDAN
IN THE CASE OF
PROSECUTOR v. OMAR HASSAN AHMAD AL BASHIR**

Public document

Decision

**on the Application of 20 July 2009 for Participation under Rule 103 of the
Rules of Procedure and Evidence and on the Application of 24 August 2009
for Leave to Reply**

ER

Decision/Order/Judgment to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Ms. Fatou Bensouda, Deputy Prosecutor
Mr. Fabricio Guariglia

Amicus Curiae

Mr. Geoffrey Nice
Mr. Rodney Dixon

REGISTRY

Registrar

Ms. Silvana Arbia

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The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor pursuant to the decision of Pre-Trial Chamber I entitled “Decision on the Prosecutor’s Application for Leave to Appeal the ‘Decision on the Prosecution’s Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir’” of 24 June 2009 (ICC-02/05-01/09-21),

Having before it the “Application under Rule 103 in respect of Prosecution Appeal against ‘Decision on the Prosecution’s Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir’” of 20 July 2009 (ICC-02/05-01/09-27) and the “Application for Leave and Reply to the Prosecution’s Response to the Application under Rule 103 in respect of Prosecution Appeal against ‘Decision on the Prosecution’s Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir’” of 24 August 2009 (ICC-02/05-01/09-33),

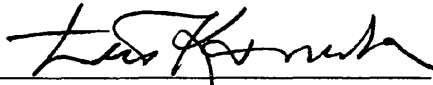
Renders unanimously the following

DECISION

1. The Sudan Workers Trade Unions Federation and the Sudan International Defence Group may submit observations on this appeal. These observations must be limited to the issue of whether the Pre-Trial Chamber applied the correct legal test under article 58 of the Statute to determine whether there are reasonable grounds to believe that Omar Hassan Ahmad Al Bashir is criminally responsible for genocide, and must be filed by 4 p.m. on 25 September 2009.
2. The Prosecutor may respond to the observations by 4 p.m. on 2 October 2009.
3. The “Application for Leave and Reply to the Prosecution’s Response to the Application under Rule 103 in respect of Prosecution Appeal against ‘Decision on the Prosecution’s Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir’” is rejected.

The reasons for the above decision will be filed in due course.

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



Judge Erkki Kourula
Presiding Judge

Dated this 18th day of September 2009

At The Hague, The Netherlands

