

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 October 2009

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

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

Public Document

Decision on the Defence's Application dated 6 October 2009

Document 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 Victims

Mr Brahim Koné
Ms H  l  ne Ciss  

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

I, Judge Cuno Tarfusser, Single Judge responsible for carrying out the functions of Pre-Trial Chamber I in relation to the proceedings of the situation in Darfur, Sudan and any related cases emanating therefrom, including the case of *The Prosecutor v. Bahar Idriss Abu Garda* (the “Case”), at the International Criminal Court¹;

NOTING the “Application for extension of time and to request filing of further evidence into the record of the Case” and the Annex attached thereto, dated 6 October² 2009, whereby the Defence requested the Single Judge to extend the deadline for filing evidence into the record of the Case, in order for it to be allowed to file one item of evidence into such a record;

CONSIDERING that the reasons provided by the Defence in the Confidential Annex to its Application appear to fall outside its control, therefore justifying a request for extension of time after the lapse of time-limit pursuant to regulation 35(2) of the Regulations of the Court;

CONSIDERING, furthermore, that the piece of evidence which the Defence intends to file into the records of the Case was disclosed to it by the Prosecutor as potentially exculpatory evidence and, therefore, that granting the Defence’s request would not result in any prejudice to the Prosecutor;

¹ ICC-02/05-210.

FOR THESE REASONS**DECIDE**

to grant the Defence until Thursday, 8 October 2009 at 12:00 hours to file into the record of the Case the document identified in its Application (DAR-OTP-0105-1838).

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

Dated this Wednesday, 7 October 2009

At The Hague, The Netherlands

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

Judge Cuno Tarfusser
Single Judge