

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 March 2010

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 inviting the Prosecutor to respond to the Defence Application under
regulation 35 of the Regulations of the Court**

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 Brahima Koné
Ms Hélène Cissé
Mr Akin Akinbote
Mr Frank Adaka

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*, at the International Criminal Court;¹

NOTING the “Decision on the Confirmation of Charges” issued on 8 February 2010,² whereby the Chamber (i) declined to confirm the charges against Bahar Idriss Abu Garda and (ii) decided that “the five-day period for the parties for the parties to present an application for leave to appeal in accordance with rule 155(1) of the Rules shall start to run with effect from the date of notification of the Arabic translation of this Decision”;

NOTING the “Defence Application for variation of time limit for filing of application for leave to appeal” filed on 25 February 2010,³ whereby the Defence requested the Chamber to vary the time limit for the filing of applications for leave to appeal, in accordance with regulation 35 of the Regulations of the Court, by lifting the suspension of the commencement of the five-day period under rule 155(1) of the Rules of Procedure and Evidence;

NOTING regulation 35 of the Regulations of the Court;

CONSIDERING that, due to the nature of the relief sought by the Defence, it appears appropriate to invite the Prosecutor to respond to the Defence application on an expedited basis in order not to defeat the purpose of such application should it be granted;

¹ ICC-02/05-210.

² ICC-02/05-02/09-243-Conf.

³ ICC-02/05-02/09-246.

FOR THESE REASONS**INVITE**

the Prosecutor to respond to the "Defence Application for variation of time limit for filing of application for leave to appeal" by Friday, 5 March 2010 at 16:00 hours.

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

Dated this Thursday, 4 March 2010

At The Hague, The Netherlands



Judge Cuno Tarfusser
Single Judge