

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 24 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
URGENT**

**Decision requesting clarification on submission of Response by Legal
Representative of Victims**

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 Karin A.A. Khan
Mr Andrew J. Burrow

Legal Representatives of Victims

Mr Brahim 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

Mr Didier Preira

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 vs. Bahar Idriss Abu Garda* (the “Case”), at the International Criminal Court¹;

NOTING the “Eléments de réponse et observations sur la requête de l’accusation demandant l’autorisation de faire appel” (the “Response by the Legal Representative”)², dated 18 March 2010 and filed under regulation 65(3) of the Regulations of the Court (the “Regulations”) as a response to the “Prosecution’s Application for Leave to Appeal the ‘Decision on the Confirmation of Charges’”³;

NOTING that regulation 65(3) of the Regulations provides that a response by a participant may be filed within three days of the application for leave to appeal of a decision;

NOTING that the notification mail sent to participants to the proceedings within the meaning and for the purposes of regulation 31(1) of the Regulations states that the Response by the Legal Representative was submitted “on the 22nd March 2010” and was received at 16:13 hours;

NOTING the “Defence Application for Exclusion of Legal Representative of Victims’ ‘Eléments de réponse et observations sur la requête de l’accusation demandant l’autorisation de faire appel’” dated 23 March 2010⁴, whereby the Defence submits that the Response by the Legal Representative was filed after the expiration of the time limit; that, “no application for an extension of time limit was made as provided for in Regulation 35 of the Regulations and requests that, as a consequence, “the Chamber exclude, disregard, or

¹ ICC-02/05-210.

² ICC-02/05-02/09-257-Conf.

³ ICC-02/05-02/09-252-Red.

⁴ ICC-02/05-02/09-258.

otherwise declare inadmissible the Response for having been filed after the expiration of the time limit set out by Regulation 65(3)";

NOTING regulation 35(2) of the Regulations, providing that, after the lapse of a time limit, an extension of time may only be granted if the participant seeking the extension can demonstrate that he or she was unable to file the application within the time limit for reasons outside his or her control;

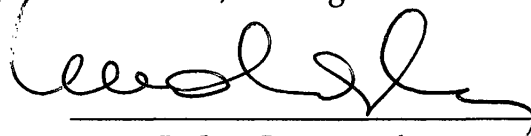
NOTING that the Legal Representative claims having sent her Response on Friday 19 March 2010;

CONSIDERING that, for the purposes of a decision under regulation 35(2) of the Regulations, there is a need to gather information as to the actual circumstances surrounding the submission of the Response;

FOR THESE REASONS,

ORDER the Registrar and the Legal Representative of Victims to submit, no later than Friday 26 March 2010, at 12 hours, a report recounting and explaining, to the extent of their respective knowledge, the circumstances surrounding the submission of the Response by the Legal Representative.

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



Judge Cuno Tarfusser
Single Judge

Dated this Wednesday, 24 March 2010

At The Hague, The Netherlands