

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 8 April 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 on the Legal Representative of Victims' Application for extension of  
time limit**

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, Prosecutor  
Mr Essa Faal, Senior Trial Lawyer

**Counsel for the Defence**  
Mr Karim A.A. Khan

**Legal Representatives of Victims**  
Mr Brahim Kane  
Ms Helene Cisse  
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**

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**Registrar**  
Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

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*, at the International Criminal Court;<sup>1</sup>

**NOTING** the “Decision on the Confirmation of Charges” issued on 8 February 2010;<sup>2</sup>

**NOTING** the “Application for Leave to Appeal the ‘Decision on the Confirmation of Charges’”, filed by the Prosecutor on 15 March 2010 (the “Prosecutor’s Application”);<sup>3</sup>

**NOTING** the “Requete en demande de prorogation de delai aux fins d'observations sur la demande d'autorisation du Procureur d'interjeter appel”, dated 3 April 2010, whereby the Legal Representative of 24 Victims participating in the Case requested the Single Judge to extend the deadline for filing his response to the Prosecutor’s Application;<sup>4</sup>

**NOTING** that, pursuant to regulation 65 of the Regulations of the Court, participants may file a response within three days of notification of an application for leave to appeal under rule 155, *i.e.*, in the present proceeding, no later than 19 March 2010;

**NOTING** that, according to regulation 35(2) of the Regulations of the Court, after the lapse of a time limit, the Chamber may grant an extension of time only if (i) good cause is shown and (ii) the participant seeking the extension can demonstrate that he was unable to file the application within the time limit for reasons outside his control;

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<sup>1</sup> ICC-02/05-210.

<sup>2</sup> ICC-02/05-02/09-243-Conf.

<sup>3</sup> ICC-02/05-02/09-252-Conf.

<sup>4</sup> ICC-02/05-02/09-265

**CONSIDERING** that in his application the Legal Representative of Victims did not demonstrate that he was unable to file an application for extension of time within the time limit, but only submitted that, "malgre de nombreuses tentatives", he was able to have access to the confidential version of the Prosecutor's Application only on 3 April 2010, due to technical difficulties;

**CONSIDERING** that, once aware of the difficulties preventing him from having access to the Prosecutor's Application and thus from filing his response to the Prosecutor's Application within the time-limit provided for in regulation 65 of the Regulations of the Court, the Legal Representative should have filed an application for extension of time before the lapse of the time-limit;

**CONSIDERING** therefore, that the reasons provided by the Legal Representative of Victims for the filing of his application after the expiration of the time limit do not appear to fall outside his control;

**FOR THESE REASONS, HEREBY**

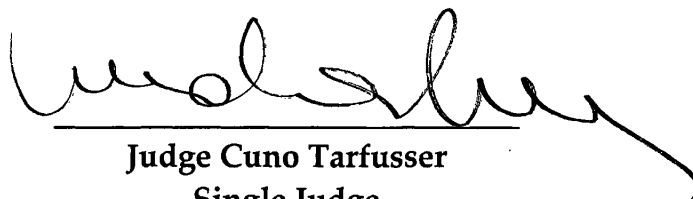
**REJECT**

The Legal Representative of Victims' application for extension of time for filing his response to the prosecutor's Application for Leave to Appeal.

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

Dated this Thursday, 8 April 2010

At The Hague, The Netherlands

  
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**Judge Cuno Tarfusser**  
**Single Judge**