

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 31 October 2011

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernández de Gurmendi

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN
AND SALEH MOHAMMED JERBO JAMUS***

Public Document

**Order on the application on behalf of victims a/1646/10 and a/1647/10 for leave
to reply**

Order 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 Ade Omofade

Counsel for the Defence

Mr Karim A.A. Khan

Mr Nicholas Koumjian

Legal Representatives of Victims

Ms H el ene Ciss e

Mr Jens Dieckmann

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

Mr Geoffrey Nice &

Mr Rodney Dixon

Trial Chamber IV (“Chamber”) of the International Criminal Court (“ICC”), acting pursuant to Regulations 24(5) and 34(c) of the Regulations of the Court (“Regulations”), issues the following Order on the application on behalf of victims a/1646/10 and a/1647/10 for leave to reply.

1. Following the notification of the Registrar’s appointment of common legal representatives in the case *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* on 14 September 2011,¹ victims a/1646/10 and a/1647/10 (“Victims”) through Messrs Nice and Dixon filed a request for review of the appointment (“Request for Review”).²
2. On 14 October 2011, the newly appointed common legal representatives, Ms Cissé and Mr Dieckmann filed observations in response (“Observations”) to the Request for Review.³
3. On 24 October 2011, the Victims filed an application for leave to reply to the Observations (“Application”).⁴ The Victims submit that they “should be afforded the opportunity to be heard in reply to Ms Cissé’s adverse observations”,⁵ contending that the matters to be dealt with in the reply are substantial and very important to the Victims to ensure that their interests and security concerns are addressed in full.⁶ The Chamber notes that the Victims have made substantial

¹ Notification of appointment of common legal representatives of victims, 14 September 2011, ICC-02/05-03/09-215.

² Request of Victims a/1646/10 and a/1647/10 for the Trial Chamber to review the Registry’s “Notification of appointment of common legal representatives of victims” in accordance with Regulation 79(3), 30 September 2011, ICC-02/05-03/09-228.

³ Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d’une représentation légale commune, 14 October 2011, ICC-02/05-03/09-230-Conf.

⁴ Application on behalf of Victims a/1646/10 and a/1647/10 for Leave to Reply to the “Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d’une représentation légale commune” filed on 12 October 2011, 24 October 2011, ICC-02/05-03/09-238.

⁵ ICC-02/05-03/09-238, paragraph 7.

⁶ ICC-02/05-03/09-238, paragraph 9.

arguments in their Application, without leave to reply having been authorised by the Chamber. Requests submitted pursuant to Regulation 24(5) of the Regulations should only include arguments as to why leave should be granted.

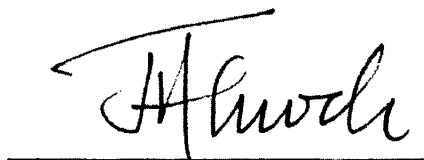
4. The Chamber considers that it is in the interest of the Victims to be able to fully present their views on and concerns relating to the Registrar's appointment of the common legal representatives. In addition, the Chamber finds that the Observations by the newly appointed common legal representatives raise certain issues that the Victims should be given the opportunity to reply to. Finally, in its decision on the Request for Review pursuant to Regulation 79(3) of the Regulations, the Chamber will not consider the substantive arguments advanced in the Application for the reason set out above.

5. For the reasons above, the Chamber,

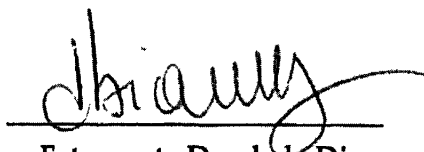
(i) GRANTS the Victims' Application; and

(ii) ORDERS the Victims to file their reply by 16.00 on 4 November 2011.

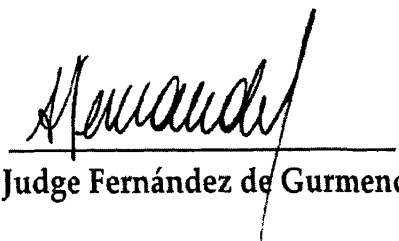
Done in both English and French, the English version being authoritative.



Judge Joyce Aluoch



Judge Fatoumata Dembele Diarra



Judge Fernández de Gurmendi

Dated this 31 October 2011

At The Hague, The Netherlands