

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

No.: ICC-02/05  
Date: 27 October 2006

**PRE-TRIAL CHAMBER I**

**Before:** Judge Claude Jorda, Presiding Judge  
Judge Akua Kuenyehia  
Judge Sylvia Steiner

**Registrar:** Mr Bruno Cathala

**SITUATION IN DARFUR, SUDAN**

**Public Document**

**Prosecutor's Expedited Application for Leave to reply to Ad Hoc Counsel's  
"Conclusions Aux Fins D'Exception D'Incompétence et D'Irrecevabilité"**

**The Office of the Prosecutor**  
Mr Luis Moreno Ocampo  
Mrs Fatou Bensouda  
Mr Andrew Cayley

**Counsel for the Defence**  
Mr Hadi Shalluf  
**Other Participants**  
Ms Louise Arbour  
Mr Antonio Cassese

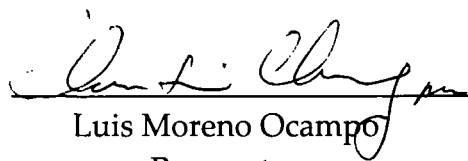
## **Introduction**

1. On 24 July 2006 Pre Trial Chamber I ("Chamber") issued a decision inviting observations in Application of Rule 103 of the Rules of Procedure and Evidence ("Decision"). The Decision invited Louise Arbour, United Nations High Commissioner for Human Rights ("High Commissioner Arbour") and Professor Antonio Cassese, Chairperson of the International Commission of Inquiry on Darfur, Sudan ("Professor Cassese") to submit in writing their observations concerning the protection of victims and the preservation of evidence in Darfur within 45 days of the Decision. The Decision further invited the Prosecutor of the Court and Ad Hoc Defence Counsel to provide a written response to the observations within 10 days of the notification thereof.
2. On 31 August 2006 Professor Cassese filed his observations concerning the protection of victims and the preservation of evidence in Darfur in Sudan. On 11 September 2006 the Prosecutor submitted his response to the observations filed by Professor Cassese ("Cassese Response").
3. On 10 October 2006 High Commissioner Arbour filed her observations concerning the protection of victims and the preservation of evidence in Darfur in Sudan ("Arbour Observations").
4. The Prosecutor filed his response to the Arbour Observations on 19 October 2006.
5. Ad hoc counsel filed "Conclusions Aux Fins D'Exception D'Incompétence et D'Irrecevabilité" on 13 October 2006. This filing was received by the Office of the Prosecutor on 19 October 2006.

## **Application for leave to Reply**

6. The Decision specified the time limits in which High Commissioner Arbour and Professor Cassese were invited to submit their observations and in which the Prosecutor and Ad Hoc Counsel for the Defence were to file their responses. The Decision gave no right of reply.

7. Since Ad Hoc Counsel has filed a response which does not comply with the Decision the Prosecutor applies for leave to reply briefly under regulations 24(5) and 34(c) of the Regulations of the Court.



Luis Moreno Ocampo  
Prosecutor

Dated this 27<sup>th</sup> of October 2006

At The Hague, The Netherlands