

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-02/05
Date: 30 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

Decision on the Prosecutor's request to file a reply

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Mrs Fatou Bensouda
Mr Andrew Cayley

***Ad hoc* Counsel for the Defense**

Mr Hadi Shalluf

Other Participants

Ms Louise Arbour
Mr Antonio Cassese

PRE-TRIAL CHAMBER I (“the Chamber”) of the International Criminal Court (the “Court”);

NOTING the “Decision inviting observations in Application of Rule 103 of the Rules of Procedure and Evidence” issued by the Chamber on 24 July 2006 inviting Louise Arbour, High Commissioner of the Office of the United Nations High Commissioner of Human Rights and Antonio Cassese, Chairperson of the International Commission of Inquiry on Darfur, Sudan to submit in writing their observations on issues concerning the protection of victims and preservation of evidence in Darfur, and inviting the Prosecutor and/or his Representatives as well as the *ad hoc* Counsel for the Defense to provide a written response to those organizations’ observations¹;

NOTING the “Observations on issues concerning the protection of victims and the preservation of evidence in the proceedings on Darfur pending before the ICC” submitted by Antonio Cassese and filed on 1st September 2006²;

NOTING the “Prosecutor’s Response to Cassese’s Observation on Issues Concerning the Protection of Victims and the Preservation of Evidence in the Proceedings on Darfur Pending before the ICC” filed on 11 September 2006³;

NOTING the “Observations of the United Nations High Commissioner for Human Rights invited in application of Rule 103 of the Rules of Procedure and Evidence” filed on 10 October 2006⁴;

¹ ICC-02/05-10.

² ICC-02/05-14.

³ ICC-02/05-16.

⁴ ICC-02/05-19.

NOTING the “Prosecutor’s response to Arbour’s observations of the United Nations High Commissioner for Human Rights invited in Application of Rule 103 of the Rules of Procedure and Evidence” filed on 19 October 2006⁵;

NOTING the *ad hoc* Counsel for the Defence’s “Conclusions aux fins d’exception d’incompétence et d’irrecevabilité” (“Conclusions de la Défense”) filed on 13 October 2006 in which the *ad hoc* Counsel for the Defense is raising issues related to the jurisdiction of the Court and the admissibility of the situation in Darfur⁶;

NOTING regulations 24, 33, 34 and 35 of the Regulations of the Court (“the Regulations”);

CONSIDERING that pursuant to regulation 24(5) of the Regulations, participants may only reply to a response with the leave of the Chamber;

CONSIDERING that the “Conclusions de la Défense” are challenging the jurisdiction of the Court and the admissibility of the situation in Darfur;

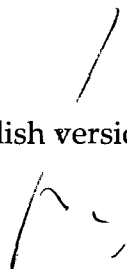
FOR THESE REASONS

⁵ ICC-02/05-21.

⁶ ICC-02/05-20.

DECIDES to give the Prosecution thirty days from the notification of the present decision to reply to the *ad hoc* Counsel for the Defence's "Conclusions aux fins d'exception d'incompétence et d'irrecevabilité".

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



Judge Claude Jorda
Presiding Judge



Judge Akua Kuenyehia



Judge Sylvia Steiner

Dated this Monday 30th of October 2006

At The Hague,

The Netherlands