

**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

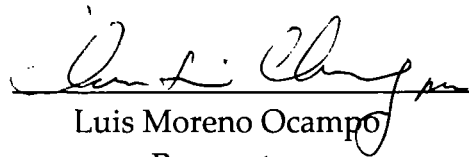
Introduction

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 27th of October 2006

At The Hague, The Netherlands