

**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’ observations<sup>1</sup>;

**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 1<sup>st</sup> September 2006<sup>2</sup>;

**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 2006<sup>3</sup>;

**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 2006<sup>4</sup>;

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<sup>1</sup> ICC-02/05-10.

<sup>2</sup> ICC-02/05-14.

<sup>3</sup> ICC-02/05-16.

<sup>4</sup> 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 2006<sup>5</sup>;

**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 Darfur<sup>6</sup>;

**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**

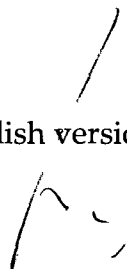
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<sup>5</sup> ICC-02/05-21.

<sup>6</sup> 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.

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**Judge Claude Jorda**  
**Presiding Judge**

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**Judge Akua Kuenyehia**

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**Judge Sylvia Steiner**

Dated this Monday 30th of October 2006

At The Hague,

The Netherlands