

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-02/05-03/09 OA 5

Date: 24 December 2014

THE APPEALS CHAMBER

Before:
Judge Sang-Hyun Song, Presiding Judge
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka
Judge Christine Van den Wyngaert

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF THE PROSECUTOR v. ABDALLAH BANDA ABAKAER
NOURAIN**

Public document

**Decision on Mr Banda's request for extension of time for the filing of a document
in support of the appeal**

Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

Counsel for the Defence
Mr Karim Khan
Mr David Hooper

REGISTRY

Registrar
Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Abdallah Banda Abakaer Nourain against the decision of Trial Chamber IV entitled “Warrant of arrest for Abdallah Banda Abakaer Nourain” of 11 September 2014 (ICC-02/05-03/09-606),

Having before it the “Defence Request for extension of time limit to submit Document in Support of Appeal” of 22 December 2014 (ICC-02/05-03/09-620),

Renders the following

DECISION

The time limit for the filing of Mr Banda’s document in support of the appeal is extended to 12 January 2015.

REASONS

I. PROCEDURAL HISTORY

1. On 11 September 2014, Trial Chamber IV issued the “Warrant of arrest for Abdallah Banda Abakaer Nourain”¹ (hereinafter: “Warrant of Arrest”).

2. On 19 December 2014, Trial Chamber IV issued the “Decision on defence application for leave to appeal the decision on ‘Warrant of arrest for Abdallah Banda Abakaer Nourain’ and, in the alternative, request for reconsideration”, in which it, *inter alia*, granted Mr Abdallah Banda Abakaer Nourain (hereinafter: “Mr Banda”) leave to appeal the Warrant of Arrest.²

3. On 22 December 2014, Mr Banda submitted the “Defence Request for extension of time limit to submit Document in Support of Appeal” (hereinafter: “Request”),³ in which Mr Banda seeks an extension of the time limit until 12 January 2015.⁴ He submits that the novel legal and factual issues engaged by his appeal and

¹ ICC-02/05-03/09-606.

² ICC-02/05-03/09-619-Red.

³ ICC-02/05-03/09-620.

⁴ Request, para. 1.

the unavailability of the relevant members of his defence team to work constitute “good cause” under Regulation 35 (2) of the Regulations of the Court.⁵

4. On 24 December 2014, the Prosecutor submitted the “Prosecution’s Response to ‘Defence Request for extension of time to submit Document in Support of Appeal’”, in which she stated that she did not object to the Request.⁶

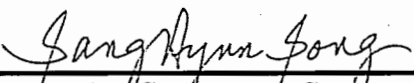
II. MERITS

5. Pursuant to regulation 65 (4) of the Regulations of the Court, “the appellant shall file, within ten days of notification of the decision granting leave to appeal, a document in support of the appeal”. Pursuant to regulation 35 (2) of the Regulations of the Court, the Appeals Chamber may extend a time limit stipulated in the Regulations of the Court “if good cause is shown”.

6. The Appeals Chamber notes the argument of Mr Banda that the time limit for the filing of the document in support of the appeal runs at the time of judicial recess, when members of his defence team are unavailable to work.⁷ In the particular circumstances of the present case, the Appeals Chamber is satisfied that, in light of these submissions, “good cause” has been shown. The Appeals Chamber considers the requested extension to be reasonable.

7. Accordingly, the time limit for the filing of Mr Banda’s document in support of the appeal is extended to 12 January 2015.

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



Judge Sang-Hyun Song
Presiding Judge

Dated this 24th day of December 2014

At The Hague, The Netherlands

⁵ Request, para. 3.

⁶ ICC-02/05-03/09-622 (OA 5).

⁷ Notice of Appeal, para. 19.