



Original: **English**

No.: ICC-02/05-01/09 OA2

Date: **30 August 2018**

THE APPEALS CHAMBER

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. OMAR HASSAN AHMAD AL BASHIR***

Public

Prosecution's Response to the *Note Verbale* submitted by the Embassy of the Hashemite Kingdom of Jordan to the Netherlands to the Registry concerning the order on the conduct of the hearing in the Jordan Referral re Al-Bashir Appeal

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr James Stewart

Ms Helen Brady

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Competent authorities of the Hashemite Kingdom of Jordan

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. On 27 August 2018, the Appeals Chamber issued its “Order on the conduct of the hearing before the Appeals Chamber in the Jordan Referral re Al-Bashir Appeal” (“Order”).¹
2. On 29 August 2018, Jordan transmitted a *note verbale* to the Registry referring to the Order and requesting: (i) an extension of the allotment of time to make its statements on the Groups A, B and C issues at the hearing; and (ii) a precise schedule of the hearing.²
3. The Prosecution understands Jordan’s first request to mean a request to double the amount of time to be allotted to Jordan to make its submissions on the Groups A, B and C issues (*i.e.*, to increase the times allotted to Jordan in the Order under the heading “Groups A and B” from 30 minutes to 60 minutes (for a total of 120 minutes), and under the heading “Group C” from 20 minutes to 40 minutes). To the extent the Prosecution’s understanding is correct, the Prosecution does not oppose this request. Should the Chamber be minded to grant Jordan the requested extension of time, the Prosecution asks that, in the interests of fairness, it be granted a corresponding extension of time to make its submissions on the Groups A, B and C issues.



Fatou Bensouda, Prosecutor

Dated this 30th day of August 2018
At The Hague, The Netherlands

¹ ICC-02/05-01/09-379 OA2 (“Order”).

² ICC-02/05-01/09-380-Anx (“Jordan’s *note verbale*”), p. 2.