

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

No.: **ICC-02/05**
Date: **2 November 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 "Submissions requesting a stay of proceedings *in limine litis*" filed
by the Ad Hoc Counsel for the Defence**

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Ms Fatou Bensouda, Deputy Prosecutor

Ad Hoc Counsel for the Defence
Mr Hadi Shalluf

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*”, rendered by the Chamber on 4 July 2006;¹

NOTING the “Observations on issues concerning the protection of victims and the preservation of evidence in the proceedings on Darfur pending before the ICC”, registered in the record of the situation on 1 September 2006;²

NOTING the decision on the request for an extension of time, rendered by the Chamber on 22 September 2006;³

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*”, registered in the record of the situation on 10 October 2006;⁴

NOTING the “Submissions challenging jurisdiction and admissibility”, filed by the Ad Hoc Counsel for the Defence on 13 October 2006;⁵

NOTING the “Submissions requesting a stay of proceedings *in limine litis*” (“the request of the Ad Hoc Counsel for the Defence”), registered in the record of the situation on 1 November 2006;⁶

NOTING rule 103 of the *Rules of Procedure and Evidence* (“the Rules”) and regulations 34 and 35 of the *Regulations of the Court*;

¹ ICC-02/05-10.

² ICC-02/05-14.

³ ICC-02/05-18.

⁴ ICC-02/05-19.

⁵ ICC-02/05-20.

⁶ ICC-02/05-24.

CONSIDERING that pursuant to the Decision of 22 September 2006, the Ad Hoc Counsel for the Defence is required to file his observations 21 days after notification of the observations of the United Nations High Commissioner for Human Rights;

CONSIDERING that the said observations were notified to the Ad Hoc Counsel for the Defence on 11 October 2006 and that as a result he is required to file his observations, if any, on 1 November 2006 at the latest;

CONSIDERING that in his request, the Ad Hoc Counsel for the Defence asks the Chamber to stay the proceedings following the filing of his motion challenging admissibility and the jurisdiction of the Court; to grant him a further month to submit his observations; and to grant him permission to travel to Sudan;

CONSIDERING, on the one hand, that there is nothing in the Statute and the Rules which states that the Chamber must stay the proceedings following a challenge to admissibility and the jurisdiction of the Court filed by the Ad Hoc Counsel for the Defence in the context of an investigation into a situation;

CONSIDERING, on the other hand, that the Ad Hoc Counsel for the Defence has not provided any valid grounds to justify a further extension of time.

FOR THESE REASONS,

DECIDES to reject the request of the Ad Hoc Counsel for the Defence.

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

[signed]
Judge Claude Jorda
Presiding Judge

[signed]
Judge Akua Kuenyehia

[signed]
Judge Sylvia Steiner

Dated this Thursday 2 November 2006

At The Hague, The Netherlands