

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 19 November 2009

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Cuno Tarfusser

SITUATION IN DARFUR, THE SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. BAHAR IDRIS ABU GARDA***

Public Document

Defence's request for an extension of time to file its final written observations

Source: Defence

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Mr Essa Faal

Counsel for the Defence

Mr Karim A. A. Khan

Mr Andrew J. Burrow

Legal Representatives of the Victims

Mr Brahim Koné

Ms Hélène Cissé

Mr Akin Akinbote

Colonel Frank Adaka

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Noting the Single Judge's "Decision on the Legal Representatives of Victims' Request"¹ of 13 November 2009, which extended the deadline for the filing of the final written observations of at least two² of the Legal Representatives of Victims by one (1) week to 23 November 2009;
2. The Defence respectfully requests³ the Pre-Trial Chamber to correspondingly extend the Defence's deadline for its final written observations by one (1) week to 7 December 2009. The Defence shall only make use of any extension granted in the event it deems it necessary, after having reviewed the expected 20 pages of final written observations of the Legal Representatives of Victims.
3. The Defence submits that extending its deadline by one (1) week will restore the original time period of two (2) weeks granted by the Pre-Trial Chamber to the Defence to respond to the submissions of *both* the Prosecution and the Legal Representatives of Victims⁴, and therefore constitutes "good cause" in line with Regulation 35(2) of the Regulations of the Court for granting extensions of time.

Respectfully Submitted,



Mr. Karim A. A. Khan

Defence Counsel for Bahar Idriss Abu Garda

Dated this 19th Day of November 2009

At The Hague, The Netherlands

¹ ICC-02/05-02/09-228

² The Decision on the Legal Representatives of Victims' Request defines "Legal Representatives of Victims" as "Ms. Hélène Cissé and Mr. Brahim Kone". ICC-02/05-02/09-228, p. 3

³ The Defence submits its request well in advance of its deadline for the filing of final written observations so as to provide the Pre-Trial Chamber and the Parties appropriate time to consider and respond to the Defence's request. The Defence is cognizant of the Single Judge's admonition to the Prosecution in his Decision of 11 September 2009 that requests for extension of time must be submitted sufficiently in advance of the original deadline to allow the Chamber an opportunity to consider the merits of the request. ICC-02/05-02/09-98 at pg. 4

⁴ The Defence assumes that, at the very least, a significant portion of the final written observations of the Legal Representatives of the Victims will be submitted in French. While the Defence shall endeavour to work directly with any final written observations submitted in French, it may become necessary for the Defence to seek translations of some portions of these final written observations.