

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 20 November 2009

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

IN THE CASE OF THE PROSECUTOR V. BAHAR IDRIS ABU GARDA

Public Document

Decision on the Defence's request for an extension of time

Decision 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 for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar

Ms Silvana Arbia

Mr Didier Preira

Victims and Witnesses Unit

Defence Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

I, Judge Cuno Tarfusser, Single Judge responsible for carrying out the functions of the Chamber in relation to the proceedings of the situation in Darfur, Sudan and any related case emanating therefrom, including the case of *The Prosecutor v Bahar Idriss Abu Garda*, at the International Criminal Court;¹

NOTING the oral decision rendered during the hearing of 30 October 2009, whereby the Chamber granted the Prosecutor and the Legal Representatives of Victims until Monday 16 November 2009 and the Defence until Monday 30 November 2009 to file their final written observations;²

NOTING the “Requête aux fins d’ extension du délai fixé par la Chambre Préliminaire pour le dépôt des observations écrites finales des représentants légaux des victimes” of 13 November 2009, whereby Ms. Hélène Cissé, Legal Representatives of victims a/0434/09, a/0435/09, a/0456/09 to a/0462/09, a/0579/09 and a/0580/09 and Mr. Brahima Koné, Legal Representatives of victims a/0170/09 to a/0192/09 (collectively, the “Legal Representatives of Victims”) requested the Chamber to be granted until Monday 23 November 2009 to submit their final written observations;³

NOTING the “Decision on the Legal Representatives of Victims’ Request” of 13 November 2009, whereby the Presiding Judge granted the Legal Representatives of Victims until Monday, 23 November 2009 to submit their final written observations;⁴

NOTING the “Defence’s request for an extension of time to file its final written observations” (the “Defence’s Request”), whereby the Defence requested the

¹ ICC-02/05-210.

² ICC-02/05-02/09-T-21-Red-ENG, pp. 82-83.

³ ICC-02/05-02/09-226.

⁴ ICC-02/05-02/09-228.

Chamber to grant it until Monday 7 December 2009 to submit its final written observations;⁵

NOTING regulation 35(2) of the Regulations of the Court (the “Regulations”);

CONSIDERING that the Defence requests such extension in order to restore the original period of two weeks granted by the Chamber to the Defence to respond to the submissions of the Prosecutor and of the Legal Representatives of Victims, and the Single Judge is of the view that this constitutes “good cause” in accordance with regulation 35(2) of the Regulations;

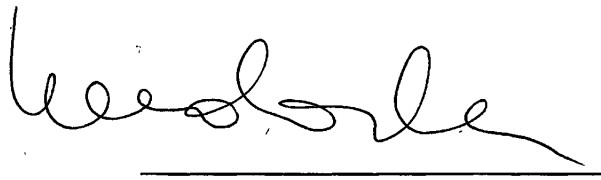
CONSIDERING further that the Single Judge does not deem it appropriate, for the purposes of regulation 35(2) of the Regulations, to hear the parties and participants before deciding on the Defence’s Request;

FOR THESE REASONS,

GRANT the Defence until Monday, 7 December 2009 to submit its final written observations.

⁵ ICC-02/05-02/09-231.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', is written above a solid horizontal line.

Judge Cuno Tarfusser

Single Judge

Dated this Friday, 20 November 2009

At The Hague, The Netherlands