

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/05-03/09
Date: 23 February 2012

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernández de Gurmendi

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN
AND SALEH MOHAMMED JERBO JAMUS***

Public

URGENT

Order on the request to file an *amicus curiae* brief on the defence request for a temporary stay of proceedings and the prosecution's related request

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo
Ms Fatou Bensouda

Counsel for the Defence

Mr Karim A.A. Khan
Mr Nicholas Koumjian

Legal Representatives of Victims

Ms Hélène Cissé
Mr Jens Dieckmann

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber IV ("Chamber") of the International Criminal Court ("ICC") acting pursuant to Rule 103(1) of the Rules of Procedure and Evidence ("Rules") issues the following Order on the request to file an *amicus curiae* brief on the defence request for a temporary stay of proceedings and the prosecution's related request.

1. On 6 January 2012, the defence for Messrs Abdallah Banda Abakaer Nourain and Saleh Mohamed Jerbo Jamus ("defence") filed a "Defence Request for a Temporary Stay of Proceedings".¹
2. On 20 February 2012 the Association of Defence Counsel Practicing Before the International Criminal Tribunal for the Former Yugoslavia ("ADC-ICTY") requested leave to file an *amicus curiae* brief pursuant to Rule 103(1) of the Rules on the Defence Request for a Temporary Stay of Proceedings.²
3. On 22 February 2012 the prosecution filed a request for leave to respond to the ADC-ICTY request.³
4. On 23 February 2012 the defence indicated that it did not intend to file a response to the ADC-ICTY request or to the prosecution's request for leave to respond.⁴
5. Given the extensive scope of the filings made by the parties and participants, including by way of reply, on the defence request for a temporary stay of proceedings, the Chamber considers that the submission of an *amicus curiae* brief by

¹ ICC-02/05-03/09-274.

² Application of The Association of Defence Counsel Practicing Before the International Criminal Tribunal for the Former Yugoslavia To File An *Amicus Curiae* Brief on The Defence Request for a Temporary Stay of Proceedings, ICC-02/05-03/09-298.

³ Prosecution's Request for Leave to Respond to the "Application of The Association of Defence Counsel Practicing Before the International Criminal Tribunal for the Former Yugoslavia To File An *Amicus Curiae* Brief on The Defence Request for a Temporary Stay of Proceedings", ICC-02/05-03/09-301.

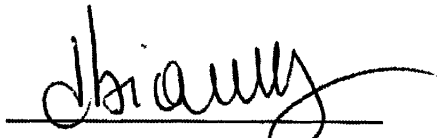
⁴ Email from the defence to the Chamber through a Legal Officer on 23 February 2012 at 10:40.

the ADC-ICTY will not be of assistance for its determination of the relevant issues. On this basis, the Chamber rejects the request of the ADC-ICTY to file an *amicus curiae* brief as well as the prosecution's request for leave to respond to the ADC-ICTY request.

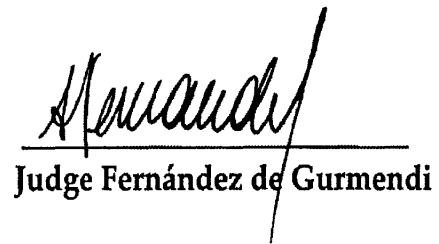
Done in both English and French, the English version being authoritative.



Judge Joyce Aluoch



Judge Fatoumata Dembélé Diarra



Judge Fernández de Gurmendi

Dated this 23 February 2012

At The Hague, The Netherlands