

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 09 September 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

URGENT

Public Document

**Decision on the "Prosecution's Urgent Request Pursuant to Regulation 37(2) for
Extension of Page Limit for the Document Containing the Charges"**

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. Karin A.A. Khan

Legal Representatives of Victims

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

I, Judge Cuno Tarfusser, Single Judge responsible for carrying out the functions of Pre-Trial Chamber I in relation to the proceedings of the situation in Darfur, Sudan and any related cases emanating therefrom, including the case of *The Prosecutor v. Bahar Idriss Abu Garda*, at the International Criminal Court¹;

NOTING the “Prosecution’s Urgent Request Pursuant to Regulation 37(2) for Extension of Page Limit for the Document Containing the Charges”,² filed by Prosecutor on 9 September 2009, whereby the Prosecutor requested an extension of page limit for the document containing the charges to be submitted in accordance with article 61(3) of the Statute of the Court;

NOTING that in his request the Prosecutor contends that the extension is necessary, due to the complexity of the facts of the case, in order for the facts and their legal characterization to be presented with clarity;

CONSIDERING that the presentation of the facts of the case with sufficient clarity and precision as well as their legal characterisation is essential in order to give Mr. Abu Garda sufficient notice of the underlying allegations against him and to assist him in preparing adequately and effectively for the hearing of confirmation of charges;

NOTING that pursuant to regulation 37 of the Regulations of the Court “a document filed with the Registry shall not exceed 20 pages”, but “the Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”;

¹ ICC-02/05-210.

² ICC-02/05-02/09-87-Conf-Exp.

CONSIDERING that the reasons presented by the Prosecutor in his request constitute “exceptional circumstances” within the meaning of regulation 37 of the Regulations of the Court;

CONSIDERING that, since the Prosecutor’s request relates to evidence that is currently being treated as confidential but that such a need for confidentiality does not exist *vis-à-vis* the Defence, the Prosecutor’s request shall be reclassified as “confidential” pursuant to regulation 23bis(3) of the Regulations of the Court;

FOR THESE REASONS**DECIDE**

to grant the Prosecutor the requested extension from 20 pages to 40 pages for the document containing the charges.

ORDER

the Registrar to reclassify as "confidential" the Prosecutor's request for extension of page limit.

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

Dated this Wednesday, 9 September 2009

At The Hague, The Netherlands



Judge Cuno Tarfusser
Single Judge