

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 12 November 2009

PRE-TRIAL CHAMBER I

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

SITUATION IN DARFUR, SUDAN

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

Public Decision

Decision on the Prosecutor's request for an extension of the page limit for his final written observations

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, Prosecutor
Mr Essa Faal, Senior Trial Lawyer

Counsel for the Defence
Mr. Karim A. A. Khan
Mr. Andrew Burrow

Legal Representatives of Victims
Mr Brahim Koné
Ms Hélène Cissé
Mr Akin Akinbote
Mr Frank Adaka

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

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I of the International Criminal Court (the “Chamber” and the “Court”, respectively);

NOTING the Decision issued during the Confirmation Hearing, whereby the Chamber authorized the Prosecutor, the Legal Representatives of Victims and the Defence “to file a document in which they may address those issues raised during the confirmation hearing which are of relevance for the purpose of the decision to be taken by the Chamber under article 61(7) of the Statute” (the “final written observations”);¹

NOTING the “Prosecution’s Request Pursuant to Regulation 37(2) of the Regulations of the Court For an Extension of the Page Limit for its Final Written Observations”, filed on 12 November 2009, whereby the Prosecutor requested an extension of page limit for his final written observations;²

NOTING that in his request the Prosecutor contends that his request is grounded on the fact that (i) the Defence raised issues of fact and law that the Prosecutor did not have the opportunity to address during the Confirmation Hearing; (ii) addressing such issues would assist the Chamber in making its final determination and (iii) in order for the Prosecutor to make his submissions he would need an extension, by 10 pages, of the page limit for his final written observations;

NOTING that, pursuant to regulation 37 of the Regulations of the Court, “a document filed with the Registry shall not exceed 20 pages”, but that “the

¹ ICC-02/05-02/09-T-21-RED-ENG, page 82.

² ICC-02/05-02/09-224.

Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”;

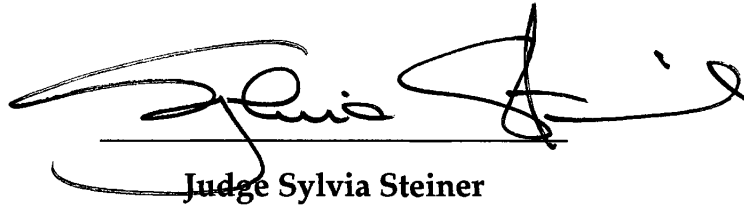
CONSIDERING that the reasons presented by the Prosecutor in his request may constitute “exceptional circumstances” within the meaning of regulation 37 of the Regulations of the Court, since such an extension appears necessary in order to allow the Prosecutor to make meaningful submissions in his final written observations;

CONSIDERING that the principle of equality of arms between the parties demands that the Defence be entitled to file its final written observations under the same conditions as the Prosecutor;

FOR THESE REASONS**DECIDE**

to grant to the Prosecutor and the Defence an extension of page limit up to 30 pages for their final written observations.

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



Judge Sylvia Steiner

Presiding Judge



Judge Sanji Mmasenono Monageng



Judge Cuno Tarfusser

Dated this Thursday, 12 November 2009

At The Hague, the Netherlands