

**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**

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**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”);<sup>1</sup>

**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;<sup>2</sup>

**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

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

<sup>2</sup> ICC-02/05-02/09-224.

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

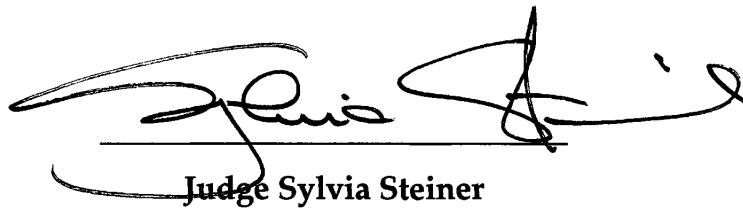
**CONSIDERING** that the reasons presented by the Prosecutor in his request may constitute “exceptional circumstances” within the meaning of regulation 37 of the Regulations of the Court, since such an extension appears necessary in order to allow the Prosecutor to make meaningful submissions in his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

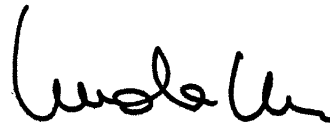


**Judge Sylvia Steiner**

**Presiding Judge**



**Judge Sanji Mmasenono Monageng**



**Judge Cuno Tarfusser**

Dated this Thursday, 12 November 2009

At The Hague, the Netherlands