

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-02/05-03/09**

Date: **1 October 2010**

**PRE-TRIAL CHAMBER I**

**Before: Judge Cuno Tarfusser, Single Judge**

**SITUATION IN DARFUR, SUDAN**

***IN THE CASE OF THE PROSECUTOR V. ABDALLAH BANDA ABAKAER***

***NOURAIN AND SALEH MOHAMMED JERBO JAMUS***

**Public Document**

**Decision on the "Prosecution's Urgent Request Pursuant to Regulation 37(2) for an 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, Prosecutor  
Mr Essa Faal, Senior Trial Lawyer

**Counsel for the Defence**  
Mr Karim 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**

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**Registrar**  
Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

I, Judge Cuno Tarfusser, acting as Single Judge in the case of *The Prosecutor v. Abdallah Banda Abaker Nourain and Saleh Mohammed Jerbo Jamus* at the International Criminal Court;<sup>1</sup>

**NOTING** the “Prosecution’s Urgent Request Pursuant to Regulation 37(2) for Extension of Page Limit for the Document Containing the Charges”,<sup>2</sup> filed on 30 September 2010, 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 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”;

**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 of their legal characterisation is essential in order to give the suspects sufficient notice of the underlying allegations against them and to assist them in preparing adequately and effectively for the hearing of confirmation of charges;

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<sup>1</sup> ICC-02/05-210.

<sup>2</sup> ICC-02/05-03/09-75-Conf-Exp.

**NOTING** that, on the basis of the same circumstances referred above, the Single Judge granted the Prosecutor leave to file a document containing the charges of up to 40 pages in the *Abu Garda* case;<sup>3</sup>

**NOTING** that in the present case the document containing the charges shall address the criminal responsibility of two individuals and that, in his request, the Prosecutor informs the Chamber that he will also rely upon evidence that was not relied upon in the *Abu Garda* case;

**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;

**NOTING** that the Prosecutor submits his request as "confidential *ex parte* Only Available to the Prosecution" on the basis that it refers to evidence that is currently being treated as confidential;

**CONSIDERING**, however, that the Prosecutor's request only contains information of a general nature already publicly available;

**CONSIDERING** that, accordingly, on the basis of the principle of the publicity of the proceedings, the Prosecutor's request shall be reclassified as "public" pursuant to regulation 23*bis*(3) of the Regulations of the Court;

### **FOR THESE REASONS**

### **DECIDE**

to grant the Prosecutor the requested extension from 20 pages to 65 pages for the document containing the charges.

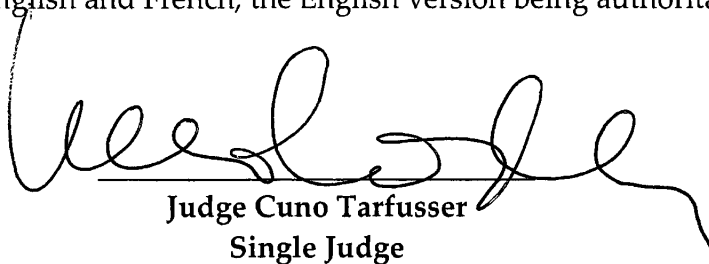
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<sup>3</sup> ICC-02/05-02/09-88.

**ORDER**

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

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



**Judge Cuno Tarfusser**  
**Single Judge**

Dated this Friday, 1 October 2010

At The Hague, the Netherlands