ICC-01/09-02/11-34 04-04-2011 1/4 EO PT Pursuant to the Pre-Trial Chamber II's Decision, ICC-01/09-02/11-30, dated 01/04/2011, this document is reclassified as Public and is copied to

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Cour Pénale Internationale



Case ICC-01/09-02/11

International Criminal Court

Original: English

No.: ICC-01/09 Date: 23 November 2010

PRE-TRIAL CHAMBER II

Before:

Judge Ekaterina Trendafilova, Presiding Judge Judge Hans-Peter Kaul Judge Cuno Tarfusser

SITUATION IN THE REPUBLIC OF KENYA

Under Seal

Decision on the Prosecutor's Request for Extension of Page Limit

No. ICC-01/09

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

The Office of the Prosecutor Luis Moreno-Ocampo, Prosecutor Fatou Bensouda, Deputy Prosecutor	Counsel for the Defence
Legal Representatives of the Victims	Legal Representatives of the 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 & Deputy Registrar Silvana Arbia, Registrar Didier Preira, Deputy-Registrar	Defence Support Section
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Other

No. ICC-01/09

PRE-TRIAL CHAMBER II (the "Chamber") of the International Criminal Court (the "Court") is seized of the Prosecutor's "Request for Extension of Page Limit" (the "Prosecutor's Request").¹

1. On 31 March 2010, the Chamber issued its decision on the Prosecutor's "Request for authorisation of an investigation pursuant to Article 15",² in which it granted it to the extent specified in the operative part of the said decision.³

2. On 19 November 2010, the Chamber received the Prosecutor's Request, in which, he 'anticipates' that his office "will file, during the second week of December 2010, two Article 58 Applications" (the "Applications"),⁴ concerning the investigations into crimes allegedly committed in the Republic of Kenya. The Prosecutor, therefore, requested that the Chamber grants an extension of 80 pages for each application.

3. The Chamber notes regulation 37(2) of the Regulations of the Court (the "Regulations") according to which "[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances".

4. The Chamber is persuaded by the Prosecutor's submission that granting the requested extension of page limit may possibly enable him to "set forth in sufficient detail the relevant facts and circumstances of the crimes, along with a description of the evidence". This, in turn, will provide the Chamber with a better vision in its final assessment of the Prosecutor's Applications. Moreover, given that the Applications may discuss points of facts and law that involve up to six persons, it is reasonable to allow the Prosecutor to go beyond the regular page limit specified in the Regulations.

³ Pre-Trial Chamber II, "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya", ICC-01/09-19.

¹ "Notification to Pre-Trial Chamber II and Request for Extension of Page Limit", ICC-01/09-25-US.

² ICC-01/09-3 and its annexes.

⁴ ICC-01/09-25-US, p. 3.

5. The Chamber considers, accordingly, that the above reasons reveal the existence of exceptional circumstances which justify the Prosecutor's Request.

FOR THESE REASONS, THE CHAMBER HEREBY

decides to grant the Prosecutor an extension of up to eighty pages (80) for each application to be filed under article 58 of the Rome Statute, as specified in paragraph 2 of his request.

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

Judge Ekaterina Trendafilova Presiding Judge

Judge Hans-Peter Kaul Judge

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Judge Cuno Tarfusser Judge

Dated this Tuesday, 23 November 2010

At The Hague, The Netherlands