



Original: English

No.: ICC-02/05-01/09
Date: 23 February 2017

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Chang-ho Chung

**SITUATION IN DARFUR, SUDAN
IN THE CASE OF *THE PROSECUTOR v. OMAR HASSAN AHMAD AL BASHIR***

Public

Decision on a request for extension of page limit by the Republic of South Africa

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda

James Stewart

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

Competent authorities of the
Republic of South Africa

Other

United Nations

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Pre-Trial Chamber II (“Chamber”) of the International Criminal Court (“Court”) issues this decision on a request for extension of page limit by the Republic of South Africa (“South Africa”) dated 20 February 2017 (“Request”).¹

1. On 8 December 2016, the Chamber decided to convene a public hearing on 7 April 2017, in order to discuss any issues relevant to the Chamber’s determination of whether to make a finding of non-compliance by South Africa with the Court’s request for arrest and surrender of Omar Al Bashir and refer the matter to the Assembly of States Parties and/or the Security Council of the United Nations under article 87(7) of the Rome Statute.² In preparation for the hearing, the Chamber also invited the Prosecutor, representatives of South Africa and representatives of the United Nations to make, if they so wish, written submissions prior to the hearing, by 17 March 2017.³
2. In the Request, South Africa submits that the generally applicable page limit of 20 pages will not suffice for the purposes of its presenting its views to the Court.⁴ It states that “[t]here are particular international law issues that need to be thoroughly addressed” and that “[i]n the interests of fairness and justice, it would be appropriate to afford South Africa the opportunity to present its views in full”.⁵
3. The Chamber notes regulation 37(1) of the Regulations of the Court (“Regulations”), pursuant to which a document filed with the Registry shall not exceed 20 pages, unless otherwise provided in the legal instruments of the Court or ordered by the Chamber.

¹ ICC-02/05-01/09-276-Anx.

² “Decision convening a public hearing for the purposes of a determination under article 87(7) of the Statute with respect to the Republic of South Africa”, ICC-02/05-01/09-274.

³ *Ibid.*

⁴ ICC-02/05-01/09-276-Anx, p. 2.

⁵ *Ibid.*

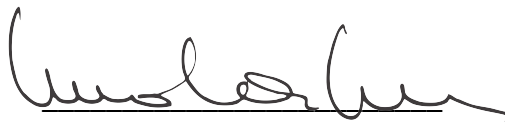
4. The Chamber welcomes the intention of South Africa to fully present its views on the pending matter. The Chamber also shares the assessment that for this purpose, the generally applicable page limit pursuant to regulation 37(1) of the Regulations is insufficient. In reaching this conclusion, the Chamber is also mindful that in the submissions of 17 March 2017, South Africa (as well the Prosecutor and the representatives of United Nations) may also wish to respond to the submissions from interested States Parties to the Statute which may be received by 24 February 2017 as authorised by the Chamber.⁶
5. It is therefore appropriate that the Chamber make a specific order as provided for in regulation 37(1) of the Regulations. In the particular case, the Chamber is of the view that it would not be appropriate to set any specific page limit. In order to allow for the Chamber being fully informed for the purpose of its decision, the order to the effect that a page limit is not applicable for the written submissions due on 17 March 2017 shall also extend to the written submissions of the Prosecutor and representatives of the United Nations, if any.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES that the written submissions of the Prosecutor, representatives of South Africa and representatives of the United Nations in advance of the hearing which are due by 17 March 2017 shall not be subject to a page limit.

⁶ "Decision convening a public hearing for the purposes of a determination under article 87(7) of the Statute with respect to the Republic of South Africa", ICC-02/05-01/09-274.

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



Judge Cuno Tarfusser
Presiding Judge



Judge Marc Perrin de Brichambaut



Judge Chang-ho Chung

Dated 23 February 2017

At The Hague, The Netherlands