

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/17-X
Date: 31 August 2017

PRE-TRIAL CHAMBER III

Before: Judge Chang-ho Chung, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Raul C. Pangalangan

SITUATION IN THE REPUBLIC OF BURUNDI

Under Seal

***EX PARTE*, only available to the Prosecutor**

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

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel, Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER III (the “Chamber”) of the International Criminal Court (the “Court”) issues this decision concerning the “Request for extension of the page limit for a request for authorisation of an investigation pursuant to article 15” (the “Request for extension of the page limit”).¹

1. On 24 August 2017, the Prosecutor filed her Request for extension of the page limit, in which she informed the Chamber that she “intends to initiate an investigation in the situation in the Republic of Burundi (‘Burundi’) pursuant to article 15(3) of the Rome Statute and rule 50(2) of the Rules of Procedure and Evidence” (“Request for authorization of an investigation”).² The Prosecutor intends to submit her Request for authorization of an investigation under seal for the reasons to be explained in this Request.³ Accordingly, pending receipt of the Prosecutor’s full justification, the Chamber issues this decision under seal without prejudice to its final determination on this matter.

2. The Chamber notes that regulation 38(2)(e) of the Regulations of the Court provides that “the page limit shall not exceed 60 pages for [...] [t]he request for authorisation of an investigation under article 15, paragraph 3, and rule 50, sub-rule 2”. The Chamber further observes that it “may, at the request of a participant, extend the page limit in exceptional circumstances” under regulation 37(2) of the Regulations of the Court. In this regard, the Prosecutor seeks an extension of the page limit for her Request for authorization of an investigation “by an additional 30 pages”,⁴ which would amount to a total of 90 pages.

¹ Request for extension of the page limit, ICC-01/17-X-2-US-Exp, 24 August 2017.

² Request for extension of the page limit, para. 1.

³ Request for extension of the page limit, para. 2.

⁴ Request for extension of the page limit, para. 1.

3. The Chamber notes that the Prosecutor submits that the Request for authorization of an investigation will cover a range of issues, such as whether “there is a reasonable basis to believe that multiple crimes against humanity have been committed”, whether the “alleged crimes fall within the Court’s jurisdiction”, and whether potential cases are admissible.⁵ The Chamber also takes note of the fact that, according to the Prosecutor, the Request for authorization of an investigation contains complex issues of fact and law.⁶ The Chamber accepts the Prosecutor’s submissions and, on this basis, agrees that “[t]he extension of the page limit will permit the Prosecution to set forth in sufficient detail the factual and legal issues relevant to” her Request for authorization of an investigation.⁷ Such an extension ensures at the same time that the Chamber is furnished with adequate information to assess the merits of the Request for authorization of an investigation.

4. Accordingly, in view of the number and complexity of the issues the Prosecutor is expected to raise in her Request for authorization of an investigation, the Chamber considers that exceptional circumstances exist justifying the Prosecutor’s Request for extension of the page limit.

⁵ Request for extension of the page limit, paras 6-7.

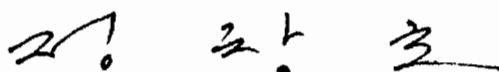
⁶ Request for extension of the page limit, para. 4.

⁷ Request for extension of the page limit, para. 5.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Prosecutor's Request for extension of the page limit as specified
in paragraph 2 of the present decision.

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



Judge Chang-ho Chung
Presiding Judge



Judge Antoine Kesia-Mbe Mindua



Judge Raul C. Pangalangan

Dated this Thursday, 31 August 2017

At The Hague, The Netherlands