



Original: English

No. ICC-02/17  
Date: 9 November 2017

**PRE-TRIAL CHAMBER III**

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

**SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN**

**Public**

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, Deputy Prosecutor

**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**

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**Registrar**  
 Herman von Hebel, Registrar

**Defence Support Section**

**Victims and Witnesses Unit**  
 Nigel Verrill, Chief

**Detention Section**

**Victims Participation and Reparations  
 Section**  
 Philipp Ambach, Chief

**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 of the Rome Statute” (the “Request”).<sup>1</sup>

1. On 30 October 2017, the Prosecutor informed the Presidency of her decision to request judicial authorisation to commence an investigation into the situation in Afghanistan pursuant to regulation 45 of the Regulations of the Court (“Regulations”).<sup>2</sup>

2. On 3 November 2017, the Presidency decided “to assign, with immediate effect, the situation in the Islamic Republic of Afghanistan to Pre-Trial Chamber III”.<sup>3</sup>

3. On 3 November 2017, the Prosecutor filed her Request, in which she informed the Chamber that she intends to seek authorisation “to proceed with an investigation of the situation in the Islamic Republic of Afghanistan in the period since 1 July 2002, pursuant to article 15(3) of the Rome Statute and rule 50(2) of the Rules of Procedure and Evidence”.<sup>4</sup>

4. On 9 November 2017, the Judges of the Chamber issued a decision indicating that Judge Antoine Kesia-Mbe Mindua will act as the Presiding Judge of the Chamber in the situation in Afghanistan.<sup>5</sup>

5. The Chamber notes regulation 38(2)(e) of the Regulations, which provides that “the page limit shall not exceed 60 pages for [...] [t]he request

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<sup>1</sup> ICC-02/17-2, 3 November 2017.

<sup>2</sup> ICC-02/17-1-AnxI.

<sup>3</sup> The Presidency, *Situation in the Islamic Republic of Afghanistan*, Decision assigning the situation in the Islamic Republic of Afghanistan, 3 November 2017, ICC-02/17-1.

<sup>4</sup> Request, ICC-02/17-2, para. 1.

<sup>5</sup> ICC-02/17-4.

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. In this regard, the Prosecutor seeks an extension of the page limit for her request for authorization of an investigation "by an additional 135 pages",<sup>6</sup> which would amount to a total of 195 pages.

6. The Prosecutor submits that the extension of the page limit "is warranted due to the volume and myriad of alleged crimes committed in the context of the situation, spanning a period of well over a decade, the multiplicity of armed groups and forces involved, and the diverse sources of information available".<sup>7</sup> Furthermore, according to the Prosecutor, the scope of the situation "includes alleged crimes committed both on the territory of Afghanistan in the period since 1 May 2003, as well as other alleged crimes that have a nexus to the armed conflict in Afghanistan and are sufficiently linked to the situation that were committed on the territory of other States Parties in the period since 1 July 2002".<sup>8</sup>

7. The Chamber notes that the extension of the page limit requested by the Prosecutor is significant. At the same time, the Chamber observes that the Prosecutor is expected to raise many complex issues of a legal and factual nature given the Prosecutor's protracted preliminary examination<sup>9</sup> and the announced parameters of the request for authorization of an investigation. Accordingly, the Chamber agrees with the Prosecutor that the requested extension of the page limit will permit her "to set forth in sufficient detail the

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<sup>6</sup> Request, ICC-02/17-2, para. 1.

<sup>7</sup> Request, ICC-02/17-2, para. 4.

<sup>8</sup> Request, ICC-02/17-2, para. 5.

<sup>9</sup> Request, ICC-02/17-2, para. 2.

factual and legal issues relevant to [...] [the] request for authorisation from the Chamber to proceed with an investigation of the situation in Afghanistan in the period since 1 July 2002".<sup>10</sup> Such an extension also ensures that the Chamber is furnished with adequate information to assess the merits of this article 15(3) request.

8. Therefore, the Chamber finds that exceptional circumstances exist justifying the Prosecutor's Request.

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<sup>10</sup> Request, ICC-02/17-2, para. 3.

**FOR THESE REASONS, THE CHAMBER HEREBY**

**GRANTS** the Prosecutor's Request as specified in paragraph 5 of the present decision.

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

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**Judge Antoine Kesia-Mbe Mindua,  
Presiding Judge**

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**Judge Chang-ho Chung**

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**Judge Raul C. Pangalangan**

Dated this Thursday, 9 November 2017

At The Hague, The Netherlands