



Original: English

No. **ICC-01/19**
Date: **28 June 2019**

PRE-TRIAL CHAMBER III

Before: Judge Olga Herrera Carbuccion, Presiding Judge
Judge Robert Fremr
Judge Geoffrey Henderson

**SITUATION IN THE PEOPLE'S REPUBLIC OF BANGLADESH/REPUBLIC
OF THE UNION OF MYANMAR**

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:

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**

Office of Public Counsel for Victims

Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Defence Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Other

PRE-TRIAL CHAMBER III of the International Criminal Court issues this decision on the Prosecutor’s ‘Request for extension of page limit for a request for authorisation of an investigation pursuant to article 15 of the Rome Statute’ (the ‘Request’).¹

1. On 12 June 2019, the Prosecutor informed the Presidency, pursuant to regulation 45 of the Regulations of the Court (the ‘Regulations’), of her intention to submit a request for judicial authorisation, pursuant to article 15(3) of the Rome Statute (the ‘Statute’), to commence an investigation into the situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar (the ‘Article 15 Request’).²

2. On 25 June 2019, the Presidency constituted Pre-Trial Chamber III and assigned to it the situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar, with immediate effect.³

3. On 26 June 2019, the Prosecutor filed the Request, seeking an extension of the page limit for the Article 15 Request by an additional 126 pages (an extension from 60 to 146 pages for the Article 15 Request as such, plus 40 pages across three annexes).⁴

4. The Chamber notes regulation 38(2)(e) of the Regulations, which provides that the page limit for a request for authorisation of an investigation under article 15(3) of the Statute shall not exceed 60 pages. The Chamber further observes that, pursuant to regulation 37(2) of the Regulations, it ‘may, at the request of a participant, extend the page limit in exceptional circumstances’.

5. The Prosecutor submits that the extension of the page limit for her Article 15 Request is warranted due to the complexity of the factual and legal issues involved.

¹ 26 June 2019, ICC-01/19-2.

² ICC-01/19-1-Anx.

³ Presidency, Decision on the constitution of Pre-Trial Chamber III and on the assignment of the situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar, 25 June 2019, ICC-01/19-1 (notified on 26 June 2019).

⁴ Request, ICC-01/19-2, paras 1, 2, 5. The Chamber understands that the three above-mentioned annexes (anticipated annexes 5, 7 and 8) are ‘argumentative material’ within the meaning of regulation 36(2)(b) of the Regulations and shall be counted in calculating the page limit. The remaining annexes (anticipated annexes 1, 2, 3, 4, 6, 9 and 10) consist of non-argumentative lists and maps, which shall therefore not be counted in calculating the page limit; *see* Request, ICC-01/19-2, footnote 1.

More specifically, she stresses that the scale of the coercive acts underlying the alleged crime of deportation is exceptional in nature, requiring references to over 150 factual sources in the examination of the potential crimes.⁵ The Prosecutor further submits that she has also considered the existence of other crimes than the crime of deportation, as referred to by Pre-Trial Chamber I, which requires additional detailed legal and factual analysis.⁶

6. While the requested extension is considerable, the Chamber finds that it is warranted. Notably, the Chamber observes that the Prosecutor is expected to raise complex issues, both of a legal and a factual nature, in terms of the alleged crimes and the scale of the acts underlying these crimes. The Chamber agrees with the Prosecutor that the requested extension of the page limit is necessary to permit her to set forth in sufficient detail the factual and legal issues relevant to the Article 15 Request.⁷ The additional submissions will provide the Chamber with the adequate information to assess the merits of the Prosecutor's Article 15 Request. In light of the above, the Chamber finds that exceptional circumstances exist justifying the Request.

⁵ Request, ICC-01/19-2, para. 3.

⁶ Request, ICC-01/19-2, para. 4 (referring to Pre-Trial Chamber I, Decision on the 'Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute', 6 September 2018, ICC-RoC46(3)-01/18-37, paras 74-79).

⁷ Request, ICC-01/19-2, para. 2.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request.

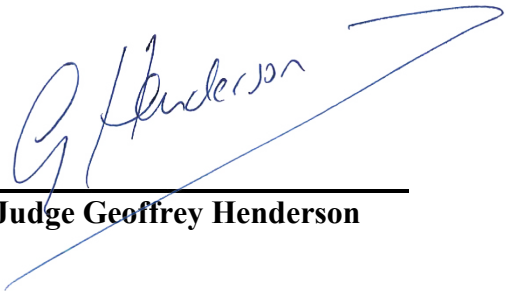
Done in both English and French, the English version being authoritative.



**Judge Olga Herrera Carbuccion,
Presiding Judge**



Judge Robert Fremr



Judge Geoffrey Henderson

Dated this Friday, 28 June 2019

At The Hague, The Netherlands