

Pursuant to Pre-Trial Chamber I's instruction dated 01-08-2025, this document is reclassified as "Public"

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/11
Date: 17 March 2025**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN LIBYA

Under seal, *ex parte*, only available to the Prosecution

Decision on the Prosecution's request for an extension of page limit

Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:☒ **The Office of the Prosecutor**☐ **Counsel for the Defence**☐ **Legal Representatives of the Victims**☐ **Legal Representatives of the Applicants**☐ **Unrepresented Victims**☐ **Unrepresented Applicants
(Participation/Reparation)**☐ **The Office of Public Counsel for
Victims**☐ **The Office of Public Counsel for the
Defence**☐ **States' Representatives**☐ **Amicus Curiae****REGISTRY**

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**☐ **Victims and Witnesses Unit**☐ **Detention Section**☐ **Victims Participation and Reparations
Section**☐ **Other**

PRE-TRIAL CHAMBER I (the 'Chamber') of the International Criminal Court (the 'Court'), issues this decision on the 'Prosecution's request for an extension of page limit' (the 'Request').¹

1. On 30 January 2025, the Prosecution filed the Request under regulation 37(2) of the Regulations of the Court (the 'Regulations'), indicating that it intends to file an application for a warrant of arrest and seeking an extension of the page limit applicable to such application by 15 pages. According to the Prosecution, the extension sought is warranted due to the following alleged exceptional circumstances are: (i) 'the complexity of the factual allegations to be presented, having regard to the lengthy temporal scope of the allegations, the extensive alleged victimisation, the qualification of the alleged acts both as war crimes and crimes against humanity, and the applicable modes of liability'; and (ii) 'the need to clarify important factual and legal issues arising out of the Chamber's recent findings regarding the crimes against humanity of other inhumane acts, enslavement, and sexual slavery, as well as the war crime of passing sentences without previous judgment pronounced by a regularly constituted court'.² For the first reason, the Prosecution requests an extension of 10 pages,³ while, for the second, it requests an extension of five pages.⁴

2. Regulation 38(2)(g) of the Regulations provides that an application under article 58 of the Statute shall not exceed 60 pages. In turn, regulation 37(2) of the Regulations stipulates that '[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances'.

3. As the Chamber had previously observed in relation to a similar application in this situation,⁵ the factual allegations to be presented by the Prosecution exceed those of previous cases in the situation, as well as the large extent of alleged victimisation, the multiple modes of liability and the fact that the alleged acts would be qualified by the Prosecution as both war crimes and crimes against humanity.

4. The Prosecution is further asking for five additional pages 'to clarify important factual and legal issues arising out of the Chamber's recent findings regarding the

¹ 30 January 2025, ICC-01/11-155-US-Exp.

² Request, para. 1.

³ Request, para. 1. See also para. 7.

⁴ Request, para. 1. See also paras 8-10.

⁵ Decision on the Prosecution's request for an extension of page limit, 5 September 2024, ICC-01/11-139-US-Exp, para. 3.

crimes against humanity of other inhumane acts, enslavement, and sexual slavery, as well as the war crime of passing sentences without previous judgment pronounced by a regularly constituted court'.⁶

5. The Chamber is persuaded that 'exceptional circumstances' exist within the meaning of regulation 37(2) of the Regulations exist to grant a limited extension of pages, but considers 15 pages to be excessive. An extension of 10 pages should suffice and will accordingly be granted.

6. To assist the Chamber's consideration of the application, the Prosecution must ensure it addresses for each of the alleged crimes all material elements and clearly indicates what material is submitted in support of each element.

7. Noting that the forthcoming application concerns a suspect who is alleged to have committed similar conduct as the acts alleged in the article 58 application with filing number ICC-01/11-140-US-Exp, the Chamber instructs the Prosecution to show, in an annex to the forthcoming application, where the new application differs from the previous one and indicate, by way of highlighting or some other manner, when the supporting material differs.

8. Furthermore, mindful of its obligations towards victims and witnesses and in order to guarantee the success of any potential future arrest opportunities, the Chamber instructs the Prosecution to file, in accordance with regulation 23*bis* of the Regulations, the upcoming application for arrest warrant under seal, *ex parte*, only available to the Prosecution.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS an extension of 10 pages in accordance with paragraphs 5-7 of this decision; and

ORDERS the Prosecution to file its upcoming application for arrest warrant under seal, *ex parte*, only available to the Prosecution, in the terms of paragraph 8 of this decision.

⁶ Request, para. 1.

Done in English. A French translation will follow. The English version remains authoritative.



**Judge Iulia Antoanella Motoc,
Presiding**



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Monday, 17 March 2025

At The Hague, The Netherlands