



Original: English

No.: ICC-02/05-02/09

Date: 11 November 2009

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Presiding Judge
Judge Sanji Mmasenono Monageng, Judge
Judge Cuno Tarfusser, Judge

SITUATION IN DARFUR, THE SUDAN

***IN THE CASE OF THE PROSECUTOR
V.
BAHAR IDRIS ABU GARDA***

Public Document

**Prosecution's Request Pursuant to Regulation 37(2) of the Regulations of the Court
For an Extension of the Page Limit for its Final Written Observations**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence

Mr. Karim A.A. Khan

Legal Representatives of Victims

Legal Representatives of 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

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Procedural Background

1. On 30 October 2009, during the last session of the confirmation hearing, the Pre-Trial Chamber I decided that the Prosecution shall file its final written observations by 16 November 2009.¹

Request for extension of page limit

2. Pursuant to Regulation 37(2) of the Regulations of the Court, the Chamber may at the request of a party, extend the page limit in exceptional circumstances. The Prosecution submits that exceptional circumstances exist, as stated herein below, warranting the extension of the page limit for its final written submissions.
3. During its closing submissions, the Defence raised issues of law and fact which the Prosecution did not fully address during the Confirmation hearing. These include alleged inconsistencies in the DCC, the Prosecution's reliance on anonymous witnesses, and identification of evidence among others.
4. The Prosecution believes that in order for the PTC to be fully informed of the matters it has to decide on, it would need to address the issues raised together with its final observations in its final written submissions. The additional pages granted, if any, will facilitate this task of the Prosecution of addressing the factual and legal matters and presenting arguments that will assist the Chamber in making a final determination of the issues before it. The Prosecution believes that in order to make all the proposed submissions, it would require a minimum page limit not exceeding 30 pages.

¹ ICC-02/05-02/09-T-21-CONF-ENG ET, page 82 lines 24-25, and page 83 line 1.

Relief sought

5. The Prosecution submits that the reasons set out above constitute exceptional circumstances within the meaning of Regulation 37(2) of the Regulation of the Court. While the Prosecution will endeavour to restrict its submissions to the minimum required for the proper determination of the issues before the Pre-Trial Chamber, it respectfully requests an extension, by 10 pages, of the page limit for its final written submissions, pursuant to Regulation 37(2) of the Regulation of the Court.



Luis Moreno-Ocampo
Prosecutor

Dated this 11th day of November 2009
At The Hague, The Netherlands