

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 11 March 2010

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

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

Public Document

Decision on extension of page limit for Application for leave to appeal

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo

Mr Essa Faal

Counsel for the Defence

Mr Karin A.A. Khan

Mr Andrew J. Burrow

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

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

I, Judge Cuno Tarfusser, Single Judge responsible for carrying out the functions of Pre-Trial Chamber I in relation to the proceedings of the situation in Darfur, Sudan and any related cases emanating therefrom, including the case of *The Prosecutor vs. Bahar Idriss Abu Garda* (the "Case"), at the International Criminal Court¹;

NOTING the "Prosecution's Application for extension of page limit for the Prosecution's Application for Leave to Appeal the 'Decision on the confirmation of the charges'" dated 10 March 2009 (the "Prosecutor's Application")²;

NOTING that the Prosecutor is seeking authorisation for a ten-page extension of the page limit set forth in regulation 37(1) of the Regulations of the Court (the "Regulations"), based on grounds including the number, novelty and complexity of the issues on which he will be seeking leave to appeal the "Decision on the confirmation of the charges" (the "Decision")³;

NOTING regulation 37(2) of the Regulations;

CONSIDERING that the Decision is the first one declining to confirm the charges brought by the Prosecutor and that it establishes a number of principles for the first time in the case law of the Court;

NOTING regulation 24 of the Regulations;

¹ ICC-02/05-210.

² ICC-02/05-02/09-250.

³ ICC-02/05-02/09-243-Red.

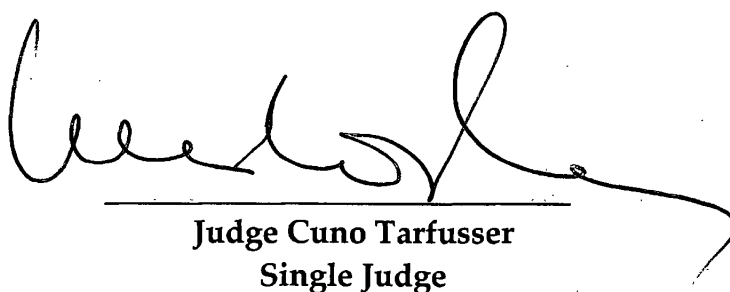
NOTING that the Application is filed on an urgent basis, given that any application for leave to appeal has to be filed by the Prosecutor on 15 March 2010 at the latest;

CONSIDERING that it is paramount that the Prosecutor be in a position to know on an expeditious basis the number of pages on which he can rely for his brief requesting leave to appeal the Decision and that, accordingly, it is not appropriate to wait for any response that the Defense may wish to file pursuant to regulation 24(1) of the Regulations;

FOR THESE REASONS,

GRANT the Prosecutor's Application for a ten-page extension of the page limit for the filing of the Application for leave to appeal the "Decision on the Confirmation of Charges".

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



Judge Cuno Tarfusser
Single Judge

Dated this Thursday, 11 March 2010

At The Hague, The Netherlands