



Original: **English**

No.: **ICC-01/15**
Date: **8 October 2015**

PRE-TRIAL CHAMBER I

Before: Judge Joyce Aluoch, Presiding Judge
Judge Cuno Tarfusser
Judge Péter Kovács

SITUATION IN GEORGIA

Public

**Request for extension of page limit for a request pursuant to article 15(3) and
rule 50(2)**

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

Ms Fatou Bensouda

Mr James Stewart

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 Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

Introduction

1. The Prosecution intends to seek authorisation of the Pre-Trial Chamber to initiate an investigation in the situation in Georgia pursuant to article 15(3) of the Rome Statute and rule 50(2) of the Rules of Procedure and Evidence (“Request”). The Prosecution hereby seeks an extension of the page limit for its Request, pursuant to regulation 37(2) of the Regulations of the Court, by an additional 60 pages.¹
2. The complexity of the factual and legal issues contained in the Request² as well as the number of issues that the Request will cover,³ constitute exceptional circumstances that warrant an extension of the page limit. The Request will present the findings of a complex and thorough preliminary examination carried out by the Office of the Prosecutor since 2008.
3. The extension of the page limit will permit the Prosecution to set forth in sufficient detail the relevant facts to request authorisation from the Pre-Trial Chamber to proceed with an investigation into the situation in Georgia during the period from 1 July 2008 to 10 October 2008, and to demonstrate in particular that there is a reasonable basis to believe that multiple war crimes and crimes against humanity have been committed in Georgia at least during the period from 7 August 2008 to 10 October 2008.
4. The Prosecution will also provide detailed information as to the alleged criminal conduct of three groups, namely South Ossetian forces, the armed forces of Georgia and the armed forces of the Russian Federation. The extension of the page limit will permit the Prosecution to set forth in sufficient detail the structure and operations of these groups.
5. In addition, the Prosecution will present information to demonstrate that the alleged crimes fall within the Court’s jurisdiction and its assessment as to the

¹ According to regulation 38(1)(e) of the Regulations of the Court, a request for authorisation of an investigation pursuant to article 15(3) and rule 50(2) “shall not exceed 100 pages”, unless otherwise ordered by the Chamber.

² ICC-01/04-01/06-177, para. 6 ; ICC-01/04-01/06-2205 OA15 OA16, para. 21.

³ ICC-01/04-01/06-2532 OA18, para. 6.

admissibility of the potential cases that may arise from an investigation into the situation in Georgia. The latter includes an assessment of relevant national proceedings (complementarity) conducted by two States with jurisdiction over the past seven years and an assessment of gravity. Finally, the Prosecution will demonstrate that, based on the available information, there are no substantial reasons to believe that the opening of an investigation into the situation of Georgia would not serve the interests of justice.

Relief sought

6. The Prosecution requests the Pre-Trial Chamber to grant an extension of the page limit for the Request by an additional 60 pages (amounting to a total of 160 pages), pursuant to regulation 37(2) of the Regulations of the Court.
7. The Prosecution assures the Chamber, however, that it will make all efforts to file a succinct document, shorter than a total of 160 pages.



Fatou Bensouda, Prosecutor

Dated this 8th day of October 2015

At The Hague, The Netherlands