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No.: **ICC-01/12/01/18**

Date: **22 July 2019**

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Single Judge

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
THE PROSECUTOR V. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD**

Public

**Prosecution's request for an extension of the page limit for its final written
submissions**

Source: Office of the Prosecutor

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

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Other

1. Pursuant to regulation 37(2) of the Regulations of the Court (“the Regulations”), the Prosecution requests an extension, by an additional 28 pages, of the page limit regarding its final written submissions for the purpose of the confirmation of charges (“Final Written Submissions”) in light of the number of issues to be addressed in response to questions from Pre Trial Chamber I (“Chamber”).
2. In its order dated 24 June 2019, the Single Judge set the page limit for the final written submissions to be filed by the parties and the participants at 30 pages.¹
3. On 4 July 2019, the Defence filed its 107-page pre-confirmation hearing submissions, with 7 annexes, (totalling in combination 368 pages).²
4. On 5 July 2019, one working day before the start of the confirmation of charges hearing, the parties and participants received via email a list of questions raised by the Chamber, to which they were instructed to respond, to the extent possible, during the hearing.³
5. During the hearing on 9 July 2019, the Chamber issued an oral decision rejecting the Prosecution’s proposal to file written submissions in response to the Chamber’s questions the next day.⁴ It indicated, however, that the parties and the participants may seek an extension of the page limit for their final written submissions in order to provide additional responses.⁵
6. The Prosecution has endeavoured to respond to the Chamber’s questions and the issues raised by the Defence to the extent possible during the oral hearing. However, it submits that there are “exceptional circumstances” within the meaning of regulation 37(2) of the Regulations, justifying an extension of the 30-page limit for its Final Written Submissions by an additional 28 pages:

¹ ICC-01/12-01/18-385, para. 33.

² ICC-01/12-01/18-394-Conf. The Prosecution observes that the filing of 107 pages was not in compliance with the Chamber’s order that the Defence file a 100 page submission. See ICC-01/12-01/18-381, p.9.

³ The list of questions were subsequently notified on 8 July 2019. ICC-01/12-01/18-399-Conf-Anx.

⁴ ICC-01/12-01/18-T-004-CONF-ENG ET, p.54, l.14 - p.56, l.13.

⁵ ICC-01/12-01/18-T-004-CONF-ENG ET, p.56, l.10-16.

-) The list of 43 questions from the Chamber extends to 11.5 pages,⁶ which require detailed responses, including references to relevant examples including evidence;
-) The Final Written Submissions will set out the Prosecution's full, consolidated responses to all the questions posed by the Chamber, including those to which preliminary responses were provided orally during the confirmation of charges hearing. This is for ease of reference and because the time available did not allow the Prosecution to fully prepare or elaborate on its responses;
-) For the sake of efficiency and conciseness, certain responses to Chamber's questions will also address inaccuracies or misstatements contained in the Defence's written submissions where they relate to the same question raised by the Chamber; and
-) The Chamber's questions are included in the footnotes for ease of reference, which already takes up 6.5 pages not including any responses or sourcing.

Relief sought

7. The Prosecution requests the Chamber to grant an extension by 28 pages of the page limit for its Final Written Submissions, pursuant to regulation 37(2) of the Regulations.



Fatou Bensouda, Prosecutor

Dated this 22nd day of July 2019

At The Hague, The Netherlands

⁶ ICC-01/12-01/18-399-Conf-Anx.