

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/21
Date: **20 April 2021**

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács
Judge Reine Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

SECRET

Ex parte, available only to the Prosecution

Request for extension of page limit for article 15(3) request

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 Defence

Legal Representatives of the Victims

Legal Representatives of the 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

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other (Witness Counsel)

Introduction

1. The Office of the Prosecutor ("the Prosecution") will be requesting authorisation from Pre-Trial Chamber I ("the Chamber") to proceed with an investigation into the situation in the Republic of the Philippines pursuant to article 15(3) of the Rome Statute and rule 50(2) of the Rules of Procedure and Evidence ("Request"). In accordance with regulation 37(2) of the Regulations of the Court ("the Regulations"), the Prosecution requests an extension of the applicable page limit for this Request by an additional 50 pages, amounting to a total of 110 pages.

Confidentiality

2. Pursuant to regulation 23*bis* of the Regulations, this filing is classified secret *ex parte*, only available to the Prosecution, in order to protect witnesses, potential witnesses, and other sources, and to ensure the Office's ability to complete certain article 15(2) activities, currently in progress, before filing the Request.

Submissions

3. The Request will present the Prosecution's conclusions resulting from its preliminary examination, ongoing since 8 February 2018. The complexity of the factual and legal issues contained in the Request¹ constitutes an exceptional circumstance warranting an extension of the page limit prescribed in regulation 38(2)(e) of the Regulations.

4. The requested extension of the page limit will permit the Prosecution to set forth in appropriate detail the factual and legal issues relevant to its Request and thus ensure that the Chamber is furnished with the necessary information to assess the merits of the Request.² The Prosecution's Request will demonstrate that there is a reasonable

¹ *Prosecutor v. Lubanga*, Decision on the "Prosecutor's Motion for Extensions of the Time and Page Limits", ICC-01/04-01/06-177 OA3, 3 July 2006, para. 6; *Prosecutor v. Lubanga*, Judgment on the appeals against the decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change, ICC-01/04-01/06-2205 OA15 OA16, 8 December 2009, para. 21; *Prosecutor v. Katanga*, Decision on Urgent Defence Application for Extension of the Page Limit, ICC-01/04-01/07-3334 OA13, 8 January 2013, para. 7.

² *Situation in the republic of Burundi*, Decision on the Prosecutor's Request for Extension of the Page Limit, ICC-01/17-4, 9 November 2017, para. 3.

basis to believe that Crimes Against Humanity have been committed on the territory of the Philippines between 1 November 2011 and 16 March 2019, and provide information regarding alleged criminal conduct in the context of the so-called "war on drugs". The requested extension of the page limit will enable the Prosecution to describe in sufficient detail the nature and pattern of the alleged crimes, as well as the structure and operations of the groups allegedly involved in the crimes and their *modus operandi*.

Relief Sought

5. The Prosecution requests the Chamber to grant an extension of the page limit for the Request by an additional 50 pages (amounting to a total of 110 pages), pursuant to regulations 37(2) and 38(2)(e) of the Regulations.



Fatou Bensouda, Prosecutor

Dated this 20th day of April 2021

At The Hague, The Netherlands