

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09

Date: 1 October 2010

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

IN THE CASE OF THE PROSECUTOR V. ABDALLAH BANDA ABAKAER

NOURAIN AND SALEH MOHAMMED JERBO JAMUS

Public Document

Decision on the "Prosecution's Urgent Request Pursuant to Regulation 37(2) for an Extension of Page Limit for the Document Containing the Charges"

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, Prosecutor
Mr Essa Faal, Senior Trial Lawyer

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

I, Judge Cuno Tarfusser, acting as Single Judge in the case of *The Prosecutor v. Abdallah Banda Abaker Nourain and Saleh Mohammed Jerbo Jamus* at the International Criminal Court;¹

NOTING the “Prosecution’s Urgent Request Pursuant to Regulation 37(2) for Extension of Page Limit for the Document Containing the Charges”,² filed on 30 September 2010, whereby the Prosecutor requested an extension of page limit for the document containing the charges to be submitted in accordance with article 61(3) of the Statute of the Court;

NOTING that pursuant to regulation 37 of the Regulations of the Court “a document filed with the Registry shall not exceed 20 pages”, but “the Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”;

NOTING that in his request the Prosecutor contends that the extension is necessary, due to the complexity of the facts of the case, in order for the facts and their legal characterization to be presented with clarity;

CONSIDERING that the presentation of the facts of the case with sufficient clarity and precision as well as of their legal characterisation is essential in order to give the suspects sufficient notice of the underlying allegations against them and to assist them in preparing adequately and effectively for the hearing of confirmation of charges;

¹ ICC-02/05-210.

² ICC-02/05-03/09-75-Conf-Exp.

NOTING that, on the basis of the same circumstances referred above, the Single Judge granted the Prosecutor leave to file a document containing the charges of up to 40 pages in the *Abu Garda* case;³

NOTING that in the present case the document containing the charges shall address the criminal responsibility of two individuals and that, in his request, the Prosecutor informs the Chamber that he will also rely upon evidence that was not relied upon in the *Abu Garda* case;

CONSIDERING that the reasons presented by the Prosecutor in his request constitute "exceptional circumstances" within the meaning of regulation 37 of the Regulations of the Court;

NOTING that the Prosecutor submits his request as "confidential *ex parte* Only Available to the Prosecution" on the basis that it refers to evidence that is currently being treated as confidential;

CONSIDERING, however, that the Prosecutor's request only contains information of a general nature already publicly available;

CONSIDERING that, accordingly, on the basis of the principle of the publicity of the proceedings, the Prosecutor's request shall be reclassified as "public" pursuant to regulation 23bis(3) of the Regulations of the Court;

FOR THESE REASONS

DECIDE

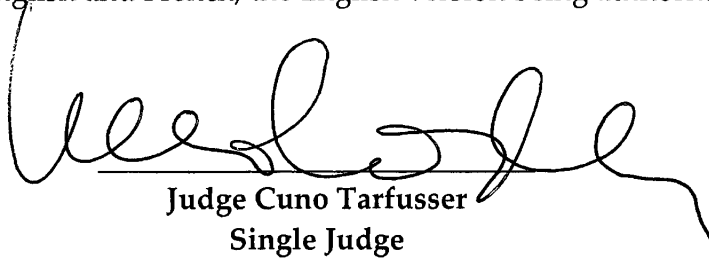
to grant the Prosecutor the requested extension from 20 pages to 65 pages for the document containing the charges.

³ ICC-02/05-02/09-88.

ORDER

the Registrar to reclassify as "public" the Prosecutor's request for extension of page limit.

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



Judge Cuno Tarfusser
Single Judge

Dated this Friday, 1 October 2010

At The Hague, the Netherlands