

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 11 November 2009

**PRE-TRIAL CHAMBER I**

**Before: Judge Sylvia Steiner, Presiding Judge  
Judge Sanji Mmasenono Monageng, Judge  
Judge Cuno Tarfusser, Judge**

**SITUATION IN DARFUR, THE SUDAN**

***IN THE CASE OF THE PROSECUTOR***

***V.***

***BAHAR IDRIS ABU GARDA***

**Public Document**

**Prosecution's Request Pursuant to Regulation 37(2) of the Regulations of the Court  
For an Extension of the Page Limit for its Final Written Observations**

**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**

**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**

## **Procedural Background**

1. On 30 October 2009, during the last session of the confirmation hearing, the Pre-Trial Chamber I decided that the Prosecution shall file its final written observations by 16 November 2009.<sup>1</sup>

## **Request for extension of page limit**

2. Pursuant to Regulation 37(2) of the Regulations of the Court, the Chamber may at the request of a party, extend the page limit in exceptional circumstances. The Prosecution submits that exceptional circumstances exist, as stated herein below, warranting the extension of the page limit for its final written submissions.
3. During its closing submissions, the Defence raised issues of law and fact which the Prosecution did not fully address during the Confirmation hearing. These include alleged inconsistencies in the DCC, the Prosecution's reliance on anonymous witnesses, and identification of evidence among others.
4. The Prosecution believes that in order for the PTC to be fully informed of the matters it has to decide on, it would need to address the issues raised together with its final observations in its final written submissions. The additional pages granted, if any, will facilitate this task of the Prosecution of addressing the factual and legal matters and presenting arguments that will assist the Chamber in making a final determination of the issues before it. The Prosecution believes that in order to make all the proposed submissions, it would require a minimum page limit not exceeding 30 pages.

---

<sup>1</sup> ICC-02/05-02/09-T-21-CONF-ENG ET, page 82 lines 24-25, and page 83 line 1.

**Relief sought**

5. The Prosecution submits that the reasons set out above constitute exceptional circumstances within the meaning of Regulation 37(2) of the Regulation of the Court. While the Prosecution will endeavour to restrict its submissions to the minimum required for the proper determination of the issues before the Pre-Trial Chamber, it respectfully requests and extension, by 10 pages, of the page limit for its final written submissions, pursuant to Regulation 37(2) of the Regulation of the Court.



---

Luis Moreno-Ocampo  
Prosecutor

Dated this 11<sup>th</sup> day of November 2009  
At The Hague, The Netherlands