

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09
Date: 23 November 2010

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE REPUBLIC OF KENYA

Under Seal

Decision on the Prosecutor's Request for Extension of Page Limit

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

The Office of the Prosecutor
Luis Moreno-Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor

Counsel for the 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 & Deputy Registrar
Silvana Arbia, Registrar
Didier Preira, Deputy-Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER II (the "Chamber") of the International Criminal Court (the "Court") is seized of the Prosecutor's "Request for Extension of Page Limit" (the "Prosecutor's Request").¹

1. On 31 March 2010, the Chamber issued its decision on the Prosecutor's "Request for authorisation of an investigation pursuant to Article 15",² in which it granted it to the extent specified in the operative part of the said decision.³

2. On 19 November 2010, the Chamber received the Prosecutor's Request, in which, he 'anticipates' that his office "will file, during the second week of December 2010, two Article 58 Applications" (the "Applications"),⁴ concerning the investigations into crimes allegedly committed in the Republic of Kenya. The Prosecutor, therefore, requested that the Chamber grants an extension of 80 pages for each application.

3. The Chamber notes regulation 37(2) of the Regulations of the Court (the "Regulations") according to which "[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances".

4. The Chamber is persuaded by the Prosecutor's submission that granting the requested extension of page limit may possibly enable him to "set forth in sufficient detail the relevant facts and circumstances of the crimes, along with a description of the evidence". This, in turn, will provide the Chamber with a better vision in its final assessment of the Prosecutor's Applications. Moreover, given that the Applications may discuss points of facts and law that involve up to six persons, it is reasonable to allow the Prosecutor to go beyond the regular page limit specified in the Regulations.

¹ "Notification to Pre-Trial Chamber II and Request for Extension of Page Limit", ICC-01/09-25-US.

² ICC-01/09-3 and its annexes.

³ Pre-Trial Chamber II, "Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya", ICC-01/09-19.

⁴ ICC-01/09-25-US, p. 3.

5. The Chamber considers, accordingly, that the above reasons reveal the existence of exceptional circumstances which justify the Prosecutor's Request.

FOR THESE REASONS, THE CHAMBER HEREBY

decides to grant the Prosecutor an extension of up to eighty pages (80) for each application to be filed under article 58 of the Rome Statute, as specified in paragraph 2 of his request.

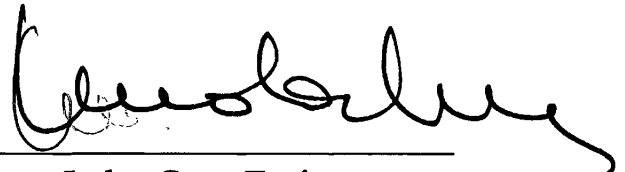
Done in both English and French, the English version being authoritative.



Judge Ekaterina Trendafilova
Presiding Judge



Judge Hans-Peter Kaul
Judge



Judge Cuno Tarfusser
Judge

Dated this Tuesday, 23 November 2010

At The Hague, The Netherlands