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No.: ICC-01/04-01/07

Date: **8 September 2015**

**THREE JUDGES OF THE APPEALS CHAMBER APPOINTED FOR THE
REVIEW CONCERNING REDUCTION OF SENTENCE**

Before: Judge Piotr Hofmański, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Christine Van den Wyngaert

***SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR v. GERMAIN KATANGA***

Public

Defence Request for Extension of Page Limit

Source: Defence for Mr Germain Katanga

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

The Office of the Prosecutor

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Legal Representatives of Victims

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REGISTRY

Registrar

Mr Herman von Hebel

Other

The Presidency

1. Pursuant to Regulation 37(2) of the Regulations of the Court,¹ the defence for Germain Katanga (“the defence”) requests that the page limit for its filing on the review of the reduction of sentence of Mr Germain Katanga be extended to no more than 25 pages, by reason of the exceptional circumstances indicated below.

Procedural background

2. On 7 March 2014, Trial Chamber II sentenced Mr Germain Katanga to a term of twelve years’ imprisonment.²
3. On 13 August 2015, noting that Mr Germain Katanga will have served two thirds of the sentence imposed on 18 September 2015, three judges of the Appeals Chamber issued a Scheduling order for the review concerning reduction of sentence of Mr Germain Katanga.³ They invited, *inter alia*, the defence to submit written observations by 11 September 2015, of no more than 10 pages, in order to prepare a hearing on 6 October 2015, for the purpose of the review concerning reduction of sentence of Mr Germain Katanga.
4. On 4 September 2015, the Registrar submitted its observations on the criteria set out in rule 223 (a) to (e) of the Rules of Procedure and Evidence.⁴
5. The defence hereby requests an extension of the page limit for its observations due on the 11th of September 2015.

Grounds in Support of Request

6. The defence submits that an extension of the page limit is necessary to enable the defence to provide the Chamber with the fullest information relevant to the review of

¹ Regulation 37 Page limits for documents filed with the Registry

“1. A document filed with the Registry shall not exceed 20 pages, unless otherwise provided in the Statute, Rules, these Regulations or ordered by the Chamber.

2. The Chamber may, at the request of a participant, extend the page limit in exceptional circumstances.”

² ICC-01/04-01/07-3436-tENG, Judgment pursuant to article 74 of the Statute.

³ ICC-01/04-01/07-3574.

⁴ ICC-01/04-01/07-3584, Registrar's Observations on the criteria set out in rule 223 of the Rules of Procedure and Evidence.

the reduction of sentence of Mr Germain Katanga.

7. This issue has yet to be dealt with by the Court. Given its novelty, it is necessary for the defence to present the relevant case law and doctrine concerning the application of the criteria defined by Article 110 of the Rome Statute and Rule 223 of the Rule of Procedure and Evidence (“RPE”). More precisely, Rule 223 of the RPE identifies five criteria that the defence intends to address.
8. The defence has had the opportunity to visit the DRC last week in order to seek the opinion of various communities and institutions concerning Mr Katanga’s return to the DRC and wishes to present the result of those investigations.
9. In addition, the Registry has already filed its observations and the defence intends to include its observations in reply to them.
10. Since the page limit of 10 pages was established both the Prosecution and the Legal Representative of Victims have requested leave to file their submissions after having first seen the defence observations. The Appeals Chamber’s panel has granted these requests, considering that “enabling the Prosecutor and the Legal Representative of Victims to respond to the submissions of Mr Katanga in advance of the hearing of this matter is likely to assist with the efficient conduct of these proceedings as a whole.”⁵
11. The defence submits that similarly, fuller, written submissions from the defence would ensure a fair trial of the convicted person and contribute to the equality and the efficiency of the proceedings, by ensuring a better preparation of the parties and participants for the hearing of 6 October 2015.
12. The defence submits that its request for an extension to 25 pages is reasonable in the circumstances. It should be noted that Regulation 37(1) of the Regulations of the Court sets as a principle a general page limit of 20 pages for documents filed with the Registry. It is also noteworthy that a reduced page limit of 10 pages effectively

⁵ ICC-01/04-01/07-3581, Decision on the requests to modify the schedule for written submissions, 31 August 2015.

amounts to seven and a half pages (excluding the cover page and second page, as well as the signature) of 300 words maximum per page. The defence submits that this page limit is insufficient to provide full and thorough observations on a very significant matter.

Relief Sought

13. On the grounds set out above the defence requests the Chamber to extend the page limit for its observations on the reduction of sentence from 10 pages to 25 pages.

Respectfully submitted,



David Hooper Q.C.

Dated this 8 September 2015,
London