

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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Date: 10 July 2018

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Public

**Prosecution's request for a limited extension of the page limit
for its response to the Defence's closing brief**

Source: Office of the Prosecutor

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

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Introduction

1. Pursuant to regulation 37(2) of the Regulations of the Court ("RoC"), the Prosecution seeks a limited extension of the page limit to 115 pages for its response to the Defence's closing brief.¹

Prosecution Submissions

2. Regulation 37(2) of the RoC provides that the Chamber may, at the request of a participant, extend the page limit in exceptional circumstances. The Prosecution submits the exceptional circumstances outlined below justify the extension of the page limit.
3. First, when the Chamber provided directions,² it ordered that the Defence's closing brief shall not exceed 400 pages³ and that the Prosecution response to the Defence's closing brief shall not exceed 100 pages.⁴ Accordingly, the initial direction of the Chamber required that the Prosecution response would be no more than 25% of the Defence's closing brief.
4. The Chamber then granted the Defence request for an extension of the page limit to 500 pages.⁵ The Defence submitted a closing brief of 463 pages.⁶
5. Given the page increase in the Defence's closing brief, the Prosecution requests an extension of 15 pages for its response, which corresponds to 25% of the additional 63 pages of the Defence's closing brief, mirroring the percentage the Prosecution was granted in the initial Chamber directions.

¹ ICC-01/04-02/06-2298-Conf.

² ICC-01/04-02/06-2170.

³ ICC-01/04-02/06-2170, para. 14.

⁴ ICC-01/04-02/06-2170, para. 15.

⁵ ICC-01/04-02/06-2283.

⁶ ICC-01/04-02/06-2170.

6. Second, the Defence's closing brief contains a total of 148,666 words which corresponds to an average of 322 words per page.⁷ This exceeds the 300 words per page requirement.⁸ And if the Defence's closing brief, which is now 463 pages, were to be expanded to 496 pages in order to respect the limit of 300 words per page, the Defence's closing brief would include an additional 96 pages compared to the Chamber's initial directions.
7. Fourth, the Prosecution must address a significant number of inaccurate references to evidence and law arising from the Defence's closing brief in its response. The additional 15 pages will enable the Prosecution to address many of the key inaccuracies. In addition to addressing a number of new legal arguments, addressing numerous errors and omissions in witness testimony requires references to multiple parts of a witness's evidence that is either only partially quoted or taken out of context in the Defence's closing brief. The Prosecution seeks to provide as much assistance as possible to the Chamber in this regard.
8. Relatedly, given the average word count per page, the Prosecution's often extensive footnote references will result in more than 300 words per page unless sufficient spacing is incorporated. This increases the overall number of pages needed to ensure the average word count.
9. In sum, the Prosecution submits that this request is for an extension of a limited number of pages and will help to present a better product for the purposes of assisting the Trial Chamber. The extra 15 pages will ensure that the Prosecution's response to the Defence's closing brief is of maximum assistance to the Chamber in its determination of the truth and review of evidence.

⁷ Calculated using the filed PDF version of the Defence's closing brief.

⁸ ICC-01/04-02/06-2170, fn. 12.

Relief Requested

10. Based on the foregoing and pursuant to regulation 37(2) of the RoC, the Prosecution requests the Chamber to grant an extension of the page limit applicable to the Prosecution response to the Defence's closing brief to a maximum of 115 pages.



Fatou Bensouda
Prosecutor

Dated this 10th day of July 2018
At The Hague, The Netherlands