

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/04-02/06

Date: 12 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 response to the Defence's new request
for an extension of the page limit**

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. In its response to the Prosecution's request for additional pages,¹ the Defence makes a new request for "the same 15-page extension for the submission of the Defence Reply".² The Prosecution provides its response to this new request.
2. While the Prosecution is grateful that the Defence does not oppose its request, the Defence has not substantiated its own request for additional pages. Moreover, the Defence accepts that its closing brief exceeded the average 300 words per page that the Chamber ordered had to be met.

Procedural Background

3. On 28 December 2017, the Trial Chamber issued its "Order providing directions related to the closing briefs and statements".³
4. Further to the Prosecution request for reconsideration of a discrete portion of the Chamber's order,⁴ the Chamber provided further directions on the closing briefs.⁵
5. On 20 April 2018, the Prosecution and the Legal Representatives of the Victims filed their closing briefs.⁶
6. On 4 May 2018, further to the Defence request,⁷ the Chamber extended the page limits set out in the 28 December 2017 directions and ordered that the Defence closing brief not exceed 500 pages.⁸

¹ ICC-01/04-02/06-2300.

² ICC-01/04-02/06-2301, para. 2.

³ ICC-01/04-02/06-2170.

⁴ ICC-01/04-02/06-2260.

⁵ ICC-01/04-02/06-2272.

⁶ ICC-01/04-02/06-2277-Conf; ICC-01/04-02/06-2275-Conf; ICC-01/04-02/06-2276-Conf.

7. On 2 July 2018, the Defence filed its closing brief of 463 pages.⁹
8. On 10 July 2018, the Prosecution requested a limited extension of the page limit for its response to the Defence closing brief.¹⁰
9. On 12 July 2018, further to the Chamber's instructions,¹¹ the Defence does not oppose the Prosecution request for a limited extension of the page limit, provided that the Chamber grants the same 15-page extension to the Defence.¹²

Prosecution Submissions

10. The Defence has not provided any reasons why it needs an additional 15 pages to reply to the Prosecution's response. Indeed, the Chamber granted the Defence 100 pages to reply to the Prosecution's response brief of 100 pages. This gives the Defence more than ample room to reply to the Prosecution's response brief. The Defence has not even attempted to substantiate its request for even more pages; in fact, it asserts that a response brief that amounts to no more than 20% of a closing brief is "significant and exceptional".¹³

⁷ ICC-01/04-02/06-2280.

⁸; ICC-01/04-02/06-2283.

⁹ ICC-01/04-02/06-2298-Conf.

¹⁰ ICC-01/04-02/06-2300.

¹¹ Email sent by Trial Chamber VI to the Parties and participants on 11 July 2017 at 11:03 am.

¹² ICC-01/04-02/06-2301.

¹³ ICC-01/04-02/06-2301, para. 8.

Relief Requested

11. Based on the foregoing, the Prosecution requests the Chamber to reject the Defence request for an extension of the page limit.



Fatou Bensouda
Prosecutor

Dated this 12th day of July 2018
At The Hague, The Netherlands