

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05 OA OA2 OA3

Date: 24 June 2008

THE APPEALS CHAMBER

Before: Judge Navanethem Pillay, Presiding Judge
Judge Philippe Kirsch
Judge Georgios M. Pikis
Judge Sang-Hyun Song
Judge Erkki Kourula

SITUATION IN DARFUR, SUDAN

Public Document

Order on the request of Legal Representatives of Victims a/0011/06, a/0012/06, a/0013/06, a/0015/06, a/0023/07, a/0024/07, a/0026/07, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 for an extension of the page limit



Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

**The Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keïta, Principal Counsel

Legal Representatives of the Victims

Ms Wanda M. Akin
Mr Raymond M. Brown

REGISTRY

Registrar

Ms Silvana Arbia



The Appeals Chamber of the International Criminal Court,

In the appeal of the Office of Public Counsel for the Defence (OPCD) against the decision of the Single Judge of Pre-Trial Chamber I entitled “Decision on the Requests of the OPCD on the Production of Relevant Supporting Documentation Pursuant to Regulation 86(2)(e) of the Regulations of the Court and on the Disclosure of Exculpatory Materials by the Prosecutor” of 3 December 2007 (ICC-02/05-110), and

In the appeals of the Prosecutor and the OPCD against the decision of the Single Judge of Pre-Trial Chamber I entitled “Decision on the Applications for Participation in the Proceedings of Applicants a/0011/06 to a/0015/06, a/0021/07, a/0023/07 to a/033/07 and a/0035/07 to a/0038/07” of 6 December 2007 (ICC-02/05-111-Corr),

Having before it,

The “Request of the Legal Representatives of Victims a/0011/06 to a/0015/06, a/0021/07, a/0023/07 to a/033/07 and a/0035/07 to a/0038/07 for extension of page limit to file their response to the Interlocutory Appeals of the Office of the Prosecutor and Office of Public Counsel for the Defence” dated 18 June 2008 (ICC-02/05-139) (hereinafter: the “Request for an extension of the page limit”),

Issues, pursuant to regulation 37 of the Regulations of the Court, the following

ORDER

- a. The request of the legal representatives for an extension of the page limit is granted. The page limit for the filing of the views and concerns of the victims respecting their personal interests in the issues raised on appeal is extended by 10 pages.
- b. The page limit for the response to the victims’ observations by the Prosecutor and the OPCD is extended by 10 pages.



REASONS

1. On 18 June 2008, the Appeals Chamber issued its “Decision on Victim Participation in the appeal of the Office of Public Counsel for the Defence against Pre-Trial Chamber I’s Decision of 3 December 2007 and in the appeals of the Prosecutor and the Office of Public Counsel for the Defence against Pre-Trial Chamber I’s Decision of 6 December 2007” (ICC-02/05-138) (hereinafter: “Decision on Victim Participation”).
2. On 19 June 2008 the legal representatives of victims a/0011/06, a/0012/06, a/0013/06, a/0015/06, a/0023/07, a/0024/07, a/0026/07, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 filed before the Appeals Chamber the Request for an extension of the page limit, requesting an extension of the page limit for the filing of the victims observations on the issues in the appeal by 20 pages.¹
3. In support of their application, the legal representatives state that “[c]onsidering that participation is granted in the three appeals and the Prosecution and the Defence raised numerous issues which need to be challenged one by one, the Legal Representatives submit that they should be allowed to present their views and concerns comprehensively in all the three appeals.”
4. On 19 June the Appeals Chamber rendered the “Directions to the Prosecutor and the OPCD on the request of Legal Representatives of Victims a/0011/06 to a/0015/06, a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07 for an extension of the page limit” of 19 June 2008 (ICC-02/05-140), pursuant to which the Prosecutor and the OPCD could respond to the legal representatives request by 12 noon on Monday, 23 June 2008.
5. On 23 June 2008 the OPCD filed the “OPCD response to the Appeals Chamber’s directions of 19 June 2008 on the request of Legal Representatives of a/0011/06, a/0012/06, a/0013/06, a/0015/06, a/0023/06, a/0024/07, a/0026/07, a/0029/07, a/0036/07, and a/0038/07 for an extension of the page limit” of 23 June 2008 (ICC-02/05-141), in which the OPCD does not object to the request for an extension of the page limit but submits that the number of 40 pages “appears excessive and could

¹ ICC-02/05-139, page 7.



generate an additional burden for the parties to respond within the designated deadline and within the set page limit of 20 pages.”²

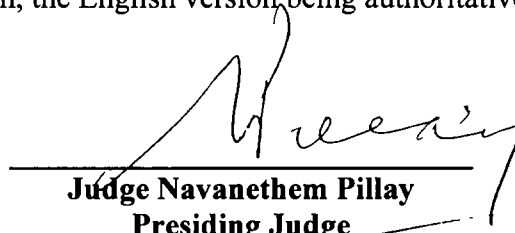
6. On 23 June the Prosecutor filed the “Prosecution’s Response to the Legal Representative of Victim’s Request to Participate in OPCD’s Appeal against the 3 December 2007 Decision on Production and Disclosure of Material and in the Appeals of the Prosecution and OPCD against the 6 December 2007 Decision on the Victims’ Applications for Participation in the Proceedings” (ICC-02/05-142). On 24 June 2008, the Prosecutor filed a corrigendum to this document.³ The Prosecutor herein is unopposed to the granting of an extension of the page limit.
7. The Appeals Chamber notes that pursuant to regulation 37 (2) of the Regulations of the Court, a page limit may be extended in exceptional circumstances. In its Decision on Victim Participation the Appeals Chamber decided that in the interests of efficiency it would treat all three appeals jointly. Therefore, in the circumstances it is reasonable to expect that the observations of the victims would be more extensive.
8. The Appeals Chamber considers that the issues on appeal though complex do overlap and in its view an extension of the page limit by 10 pages is sufficient. Accordingly, an extension of the page limit for the filing of the observations of the victims is granted.
9. In addition, the Appeals Chamber considers that in the circumstances an extension of the page limit is also warranted in respect of the filing of the responses of the Prosecutor and the OPCD to the observations of the victims. Accordingly, and pursuant to regulation 37 (2) of the Regulations of the Court, the Prosecutor and the OPCD are granted an extension of the page limit by 10 pages.



² ICC-02/05-141, paragraph 7.

³ “Prosecution’s Response to Legal Representative of Victim’s Request for Extension of Page Limit” dated 23 June 2008 (ICC-02/05-142-Corr).

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



Judge Navanethem Pillay
Presiding Judge

Dated this 24th day of June 2008

At The Hague, The Netherlands