

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04

Date: 11 June 2012

PRE-TRIAL CHAMBER II

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

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”) renders this decision on the Prosecutor’s “Request for Extension of Page Limit” (the “Prosecutor’s Request”).¹

1. On 3 March 2004, the Democratic Republic of the Congo (the “DRC”) referred the situation in the DRC to the Prosecutor in accordance with articles 13(a) and 14 of the Rome Statute (the “Statute”).²

2. On 15 May 2012, the Prosecutor filed the “Prosecutor’s Application under Article 58” (the “Prosecutor’s Application”),³ requesting the Chamber to, *inter alia*:

1. Find that there are reasonable grounds to believe that Sylvestre MUDACUMURA is criminally responsible for war crimes and crimes against humanity within the jurisdiction of the Court committed by the FDLR in North and South Kivu Provinces of the DRC between 20 January 2009 and 31 August 2010, pursuant to Article 25(3)(a) or, in the alternative, Article 25(3)(b) or Article 28(a) of the Statute;

2. Find that the arrest of Sylvestre MUDACUMURA is necessary; [and]

3. Issue a warrant of arrest for Sylvestre MUDACUMURA;⁴

3. On 31 May 2012, the Chamber issued the “Decision on the Prosecutor’s Application under Article 58” in which it dismissed the Prosecutor’s Application *in limine*.⁵

4. On 8 June 2012, the Chamber received the Prosecutor’s Request in which he seeks an extension of 10 pages beyond the page limit specified in regulation 38 of the Regulations of the Court (the “Regulations”).

5. The Chamber notes article 58 of the Statute and regulations 37(2) and 38(2) of the Regulations.

¹ ICC-01/04-614-Red.

² Letter of Referral of the DRC Situation by Joseph Kabila, dated 3 March 2004, annexed to the “Prosecutor’s Application for Warrants of Arrest, Article 58”, ICC-01/04-98-US-Exp-Anx1.

³ ICC-01/04-612-Red-Corr.

⁴ ICC-01/04-612-Red-Corr, p. 23.

⁵ Pre-Trial Chamber II, ICC-01/04-613.

6. The Chamber notes in particular regulation 37(2) of the Regulations, according to which “[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”. Moreover, pursuant to regulation 38(2)(e) of the Regulations, the page limit specified for a request under article 58 of the Statute “shall not exceed 50 pages” unless “otherwise ordered by the Chamber”. Reading the two provisions together makes clear that the Chamber may grant the Prosecutor’s Request only if he proves the existence of “exceptional circumstances”.

7. Having reviewed the Request, the Chamber is persuaded that granting an extension of page limit should enable the Prosecutor to offer a clear, detailed and meaningful application under article 58 of the Statute. This, in turn, will assist the Chamber to conduct a proper assessment of the application should the Prosecutor decide to file anew. Accordingly, the Chamber considers that the above reasons reveal the existence of exceptional circumstances.

FOR THESE REASONS, THE CHAMBER HEREBY

grants the Prosecutor's Request to the extent specified in paragraph 4 of the present decision.


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 Monday, 11 June 2012

At The Hague, The Netherlands