

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 March 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

**Joint Response of the Common Legal Representatives of Victims to the
“Prosecution’s application for reconsideration of a discrete
portion of the Chamber’s ‘Order providing directions related to
the closing briefs and statements’”**

Source: Office of Public Counsel for Victims

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
Mr Christopher Gosnell

Legal Representatives of the Victims

Ms Sarah Pellet
Ms Vony Rambolamanana

Legal Representatives of the Applicants

Mr Dmytro Suprun
Ms Anne Grabowski

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Common Legal Representative of the Former Child Soldiers and the Common Legal Representative of the Victims of the Attacks (jointly the “Legal Representatives”) hereby submit a joint response to the “Prosecution’s application for reconsideration of a discrete portion of the Chamber’s ‘Order providing directions related to the closing briefs and statements’”.¹

2. The Legal Representatives fully endorse the Prosecution’s submissions without a need to repeat the same.

3. In addition, they posit that when the discussions on the matter were held before the Chamber on 5 December 2017,² they were necessarily based on the existing amended Regulations of the Court. Indeed, the amended regulation 36 thereof with no reference to a limit of 300 words per page was adopted a year before the parties’ and participants’ submissions.³ Therefore, when requesting 150 pages and 250 pages for their closing written submissions, the Legal Representatives clearly intended to proceed pursuant to the amended regulations and specifications contained therein.

4. The Legal Representatives were not granted the requested page number in order to present their final submissions, and instead were respectively granted 100 pages⁴ and 150 pages.⁵ As it stands, footnote 12 of the “Order providing directions related to the closing briefs and statements”⁶ will only further limit the Legal Representatives in presenting their final submissions. Such a word limit, in addition to new format requirements contained in the amended version of the

¹ See the “Prosecution’s application for reconsideration of a discrete portion of the Chamber’s ‘Order providing directions related to the closing briefs and statements’”, No. ICC-01/04-02/06-2260, 22 March 2018 (the “Prosecution’s Application”).

² See the transcript of the status conference held on 5 December 2017, No. ICC-01/04-02/06-T-258-ENG ET WT.

³ See the Prosecution’s Application, *supra* note 1, paras. 8-10.

⁴ See the “Order providing directions related to the closing briefs and statements” (Trial Chamber VI), No. ICC-01/04-02/06-2170, 28 December 2017, para. 14.

⁵ *Idem*.


⁶ *Ibid*.

regulation,⁷ will also make the work of the Chamber more difficult, since the Legal Representatives will have to necessarily limit their use of full references to keep with the 300 word limit, therefore undermining the accuracy of such references.⁸

FOR THE FOREGOING REASONS the Legal Representatives respectfully request the Chamber to grant the Prosecution's application for reconsideration of the average 300 word-per-page limit for the closing brief and impose no limit in line with the existing regulation 36 of the Regulations of the Court.

In the alternative, they respectfully request that the word count does not take the footnotes into account.

In the further alternative, and by analogy with the Prosecution alternative request, they respectively seek reconsideration of the page limits to 115 pages for the Former Child soldiers' Closing brief and 170 pages for the Victims of the Attacks' closing brief or an equivalent extension of the page limits under regulation 37 of the Regulations of the Court.



Sarah Pellet
Common Legal Representative of the
Former Child soldiers



Dmytro Suprun
Common Legal Representative of the
Victims of the Attacks

Dated this 26th Day of March 2018

At The Hague, The Netherlands

⁷ See the Prosecution's Application, *supra* note 1, para. 8.

⁸ In this sense, see also *idem*, paras. 12-14.