

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07

Date: 18 July 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

**SITUATION THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Germain Katanga and Mathieu Ngudjolo Chui***

Public Document

Decision on the “Requête urgente sollicitant l’extension du nombre de pages conformément à la Norme 37 (2) du Règlement de la Cour pour la soumission des conclusions écrites relatives à l’audience de confirmation des charges”

Decision 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
Mr Éric Macdonald, Senior Trial Lawyer

Counsel for the Defence

of Germain Katanga
Mr David Hooper
Ms Caroline Buisman

Counsel for the Defence of Mathieu

Ngudjolo Chui
Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J.L. Gilissen
Mr Hervé Diakèse
Mr Jean-Chrisostome Mulamba
Nsokoloni

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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I of the International Criminal Court (“the Chamber” and “the Court” respectively);

NOTING the “Decision on the Schedule for the Confirmation Hearing”¹ in which, *inter alia*, (i) the Prosecution, the Legal Representatives of non-anonymous Victims and the Legal Representatives of anonymous Victims were given until Tuesday 22 July 2008 at 16h00 to file a document in which they address in writing any matters that they discussed at the confirmation hearing; and (ii) the Defences for Germain Katanga and Mathieu Ngudjolo Chui were given until Monday 28 July 2008 at 16h00 to file a document in which they address in writing any matters that they discussed at the confirmation hearing;

NOTING the “*Requête urgente sollicitant l’extension du nombre de pages conformément à la Norme 37 (2) du Règlement de la Cour pour la soumission des conclusions écrites relatives à l’audience de confirmation des charges*”² filed by the Defence for Mathieu Ngudjolo Chui on 17 July 2008, requesting authorisation to increase to 50 pages their written final observations on the confirmation hearing;

NOTING regulation 37 of the Regulations of the Court (“the Regulations”);

CONSIDERING that regulation 37(2) of the Regulations states that “the Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”;

¹ ICC-01/04-01/07-587 + Anx I.

² ICC-01/04-01/07-685.

CONSIDERING that in support of its request for an extension of the page-limit on final written observations on the confirmation hearing, the Defence for Mathieu Ngudjolo Chui provides the following cumulative exceptional circumstances: (i) the necessity to develop all of the oral objections that the Defence team made during the confirmation hearing; (ii) a corresponding duty to respond to the oral and written submissions made by the Prosecution and Legal Representatives of victims; and (iii) lastly, the necessity to develop all factual and legal arguments, since the parties' final written submissions on the confirmation hearing is a particularly important document to be submitted to the Chamber;³

CONSIDERING that, in the view of the Chamber, the reasons provided do not, by themselves, constitute exceptional circumstances within the meaning of regulation 37(2) of the Regulations; however, in addition to the circumstances described above, the Chamber is of the view that due to the vast number of complex procedural and substantive issues raised during the confirmation hearing, exceptional circumstances exist for which an extension of the page-limit to 40 pages is justified;

CONSIDERING further that, in light of the above and in the interests of fairness, the Defence for Germain Katanga may also have a 40-page limit for its final written submissions on the confirmation hearing;

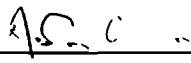
FOR THESE REASONS

GRANTS, in part, the Defence for Ngudjolo Chui's request for an extension of the page-limit, to 40 pages;


³ ICC-01/04-01/07-685.

DECIDES that the Defence for Germain Katanga may also have a 40-page limit for its final written submissions on the confirmation hearing;

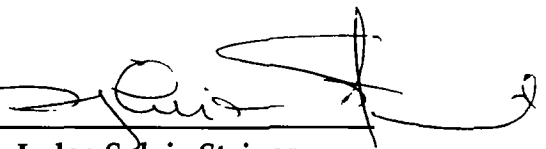
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka
Judge



Judge Sylvia Steiner
Judge

Dated this Friday 18 July 2008

At The Hague, The Netherlands