

**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-Christophe 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**

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**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”<sup>1</sup> 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*”<sup>2</sup> 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”;

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<sup>1</sup> ICC-01/04-01/07-587 + Anx I.

<sup>2</sup> 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;<sup>3</sup>

**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**

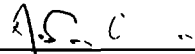
**GRANTS**, in part, the Defence for Ngudjolo Chui's request for an extension of the page-limit, to 40 pages;

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<sup>3</sup> 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;

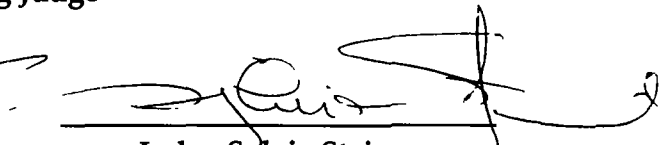
Done in both English and French, the English version being authoritative.



**Judge Akua Kuenyehia**  
**Presiding Judge**



**Judge Anita Ušacka**  
**Judge**



**Judge Sylvia Steiner**  
**Judge**

Dated this Friday 18 July 2008

At The Hague, The Netherlands