

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **6 March 2015**

TRIAL CHAMBER VI

**Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Geoffrey Henderson**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Public

**Decision on the Prosecution request for an extension of page limit for the Pre-Trial
Brief**

Decision 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 Bosco Ntaganda

Mr Stéphane Bourgon
Mr Luc Boutin

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**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

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Regulation 37 of the Regulations of the Court, issues this 'Decision on the Prosecution request for an extension of page limit for the Pre-Trial Brief'.

I. Procedural history

1. On 6 February 2015, the Chamber ordered the Office of the Prosecutor ('Prosecution') to file a pre-trial brief containing a summary of evidence intended to be relied upon at trial and explaining how that evidence relates to the charges ('Pre-Trial Brief') by 2 March 2015.¹
2. On 19 February 2015, at the request of the Prosecution,² the Chamber granted an extension of time until 9 March 2015 to file the Pre-Trial Brief.³
3. On 2 March 2015, the Prosecution filed a motion requesting an extension of page limit up to 250 pages long for the Pre-Trial Brief ('Request').⁴
4. Also on 2 March 2015, by way of e-mail, the Chamber instructed the defence team for Mr Ntaganda ('Defence') and the Legal Representatives of Victims ('LRVs') to provide their responses to the Request, if any, by 12:00 noon on 5 March 2015.⁵
5. On 3 March 2015, by way of e-mail, the LRVs informed the Chamber that they do not oppose the Request.⁶

¹ Decision on the updated document containing the charges, ICC-01/04-02/06-450.

² Prosecution's request pursuant to regulation 35 to vary the time limit for disclosure of the Pre-Trial Brief, 12 February 2015, ICC-01/04-02/06-454-Conf-Exp. A Confidential redacted version and a public redacted version were notified on 13 February 2015 (respectively, ICC-01/04-02/06-454-Conf-Red and ICC-01/04-02/06-454-Red2).

³ Decision on 'Prosecution's request pursuant to regulation 35 to vary the time limit for disclosure of the Pre-Trial Brief', ICC-01/04-02/06-467. The Chamber subsequently rejected a request for reconsideration of this decision (*See* Request on Behalf of Mr Ntaganda Seeking Reconsideration and Clarification of Decision on Pre-Trial Brief, 24 February 2015, ICC-01/04-02/06-471; Decision on the Defence request for reconsideration and clarification, 27 February 2015, ICC-01/04-02/06-483).

⁴ Prosecution's request for extension of page limit for the Pre-Trial Brief, ICC-01/04-02/06-487.

⁵ E-mail from Legal Officer of the Chamber to the parties and participants, 2 March 2015, 17:37.

⁶ E-mail from LRVs to Chamber, 3 March 2015, 8:57.

6. On 4 March 2015, the Defence filed its response, indicating that it does not oppose the Request.⁷

II. Submissions and Analysis

7. The Prosecution submits that the magnitude of the case warrants granting an extension of pages. It recalls that Mr Ntaganda is charged with 18 counts of war crimes and crimes against humanity, that are alleged to have taken place within a broad geographical and temporal scope, through six modes of liability. It further submits that granting an extension of pages will better assist the Defence, the Chamber and the participants.⁸
8. The Defence does not oppose the Request, as long as it is not followed by a request for an extension of time limit for the filing of the Pre-Trial Brief.⁹
9. The Chamber notes the scope of the charges to be addressed in the Pre-Trial Brief, as well as the requirement that for each count the Prosecution set out the relevant evidence upon which it intends to rely, and how that evidence relates to the charges. In this particular case, the Chamber is satisfied that exceptional circumstances warrant granting an extension of pages up to 250 pages.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

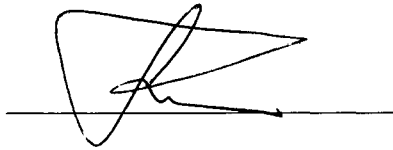
GRANTS the Request.

⁷ Response on behalf of Mr Ntaganda to Prosecution's request for extension of page limit for the Pre-Trial Brief "Defence Response", ICC-01/04-02/06-499 ('Defence Response').

⁸ Request, ICC-01/04-02/06-487, paras 3-6.

⁹ Defence Response, ICC-01/04-02/06-499, para. 1.

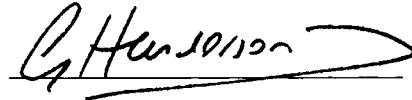
Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line and a small flourish.

Judge Robert Fremr, Presiding Judge

A handwritten signature in black ink, appearing to be 'K Ozaki' with a horizontal line underneath.

Judge Kuniko Ozaki

A handwritten signature in black ink, appearing to be 'G Henderson' with a horizontal line underneath.

Judge Geoffrey Henderson

Dated 6 March 2015

At The Hague, The Netherlands