

Cour
Pénale
Internationale



International
Criminal
Court

Original : English

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

Date: 23 May 2006

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
vs. THOMAS LUBANGA DYILO

Public Document

Prosecutor's Application for an Extension of the Page Limit for Application to
be Filed Tomorrow

The Office of the Prosecutor
Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer
Ms Maria Wilson, Trial Lawyer

Counsel for the Defence
Mr Jean Flamme

Background

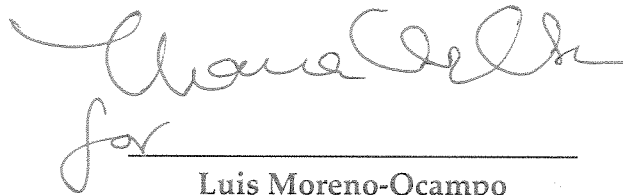
1. On 19 May 2006, the Single Judge of the Pre-Trial Chamber (Single Judge) rendered the “Decision Establishing General Principles Governing Applications to Restrict Disclosure pursuant to Rule 81(2) and (4) of the Statute.” (hereinafter “19 May 2006 Decision”).
2. The OTP intends to file an Application for Reconsideration and, in the Alternative, Leave to Appeal on tomorrow’s date, the 24th of May 2006 (24 May 2006 Application) regarding the 19 May 2006 Decision.

Application for Enlargement of the Page Limit

3. Regulation 37(1) stipulates a 20-page limit for documents filed with the Registry. The Prosecution respectfully requests an enlargement of the page limit regarding the 24 May 2006 Application to 35 pages pursuant to Regulation 37(2).
4. The exceptional circumstances are as follows:
 - i. The application is not an application for a single remedy but for convenience and coherence will be filed as a single document. In the interests of potentially avoiding the seeking of leave to appeal, the OTP will argue first for reconsideration of certain aspects of the 19 May 2006 Decision. However, to avoid any issue about the timeliness of an application for leave to appeal, the OTP will argue in the alternative that

if reconsideration is denied, leave to appeal should be granted under Art. 82(1)(d).

ii. Because the application seeks reconsideration and, in the alternative, leave to appeal, the OTP must address both: (1) the merits of the rulings as to which it seeks reconsideration; and (2) the reasons it believes that standard for leave to appeal under Art. 82(1)(d) is satisfied. The OTP will address a number of aspects of the 24-page Decision and wishes to address the legal arguments fully.

A handwritten signature in dark ink, appearing to read 'Luis Moreno-Ocampo', written over a horizontal line.

Luis Moreno-Ocampo
Prosecutor

Dated this 23rd day of May 2006
At The Hague, The Netherlands