



Original: **French**

No.: ICC-01/04-01/06
Date: 30 November 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Single Judge

Registrar: Mr Bruno Cathala

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

Public Document - Urgent

**Decision on the Defence Motion for Clarification and
Request for an Extension of the Page Limit**

The Office of the Prosecutor

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Mr Jean Flamme
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**Legal Representatives of Victims
a/0001/06 to a/0003/06 and a/0105/06**

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

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

Ms Melinda Taylor

I, Judge Claude Jorda, judge at the International Criminal Court ("the Court"),

NOTING the Decision on the Schedule and Conduct of the Confirmation Hearing ("Decision on the Conduct of the Confirmation Hearing"), rendered by the Single Judge on 7 November 2006,¹

NOTING the hearing on Tuesday 28 November 2006,²

NOTING the Defence Motion for Clarification and Request for an Extension of the Page Limit, filed on 29 November 2006,³

NOTING the Prosecution's Response to the Defence Motion for Clarification and Request for an Extension of the Page Limit, filed on 30 November 2006,⁴

CONSIDERING that during the hearing on Tuesday 28 November 2006, the Pre-Trial Chamber invited the Prosecution, the Legal Representatives of the Victims and the Defence to submit their written observations in French, but that they may also file their observations in English if they are unable to do so in French within the time limit allocated;

CONSIDERING that during the same hearing it was decided that the maximum number of pages authorised would exceptionally be increased to 40 pages, both for the Legal Representatives of the Victims and for the Prosecution and the Defence,

¹ ICC-01/04-01/06-678.

² See Transcript ICC-01/04-01/06-T-47.

³ ICC-01/04-01/06-735.

⁴ ICC-01/04-01/06-741.

CONSIDERING that no new information justifies an amendment to this oral decision of the Pre-Trial Chamber,

CONSIDERING that during the confirmation hearing the Prosecution and the Defence were able to present all the points of fact or law which they wished to present and to respond to the arguments presented by the other party,

CONSIDERING that the Decision on the conduct of the confirmation hearing states that the Prosecution and the Legal Representatives of the Victims and the Defence may file a document in which they may address in writing any matters that they discussed at the confirmation hearing,

CONSIDERING therefore that in order to address an issue in the written document, it is necessary for that issue to have been previously discussed orally during the confirmation hearing by the party wishing to address that point in its written document,

CONSIDERING therefore that at present it is not possible for the written document to deal with any issue that the parties did not wish to address during the confirmation hearing because this would result in a fresh discussion between the parties being reintroduced in writing,

FOR THESE REASONS

RULE that the Prosecution, the Legal Representatives of the Victims and the Defence may in fact file their written observations in English or French,

DECIDE that if the written document is not drafted in French by the Prosecution or the Defence, the Prosecution will have until Tuesday at 16.00 to transmit a French translation of that document and the Defence, working with the relevant services of the Registry, will do all it can in order to provide a French translation by Thursday at 16.00 of any part of the document drafted in English.

RECALL that the Prosecution, the Defence and the Legal Representatives of the Victims may address in writing only those issues that they have discussed orally during the confirmation hearing.

DECIDE to reject the Defence motion for an extension of the page limit.

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

[signed]

Judge Claude Jorda
Single Judge

Dated Thursday 30 November 2006

At The Hague, The Netherlands