

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 11 September 2007

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

Registrar: Mr Bruno Cathala

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

Public

Decision rejecting prosecution's request for extension of page limit

Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy
Prosecutor
Mr Ekkehard Withopf, Senior Trial
Lawyer

Counsel for the Defence

Ms Catherine Mabilie

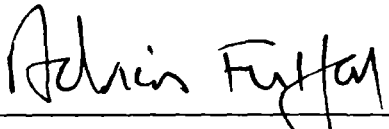
Legal Representatives of Victims

a/0001/06 to a/0003/06 and a/0105/06
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

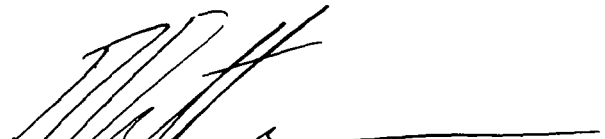
1. The Trial Chamber is seised of a "Request for extension of page limit" ("Request") filed by the Office of the Prosecutor ("prosecution") on 10 September 2007 which requests an extension of the 20 pages page limit to 35 pages in relation to one of the issues set out by the Trial Chamber in its "Order setting out schedule for submissions and hearings regarding the subjects that require early determination" issued on 5 September 2007.
2. The prosecution asserts that, issue 5.b, the status of the decisions of the Pre-Trial Chamber in trial proceedings, "is particularly complex" and will require the prosecution to "cover novel matters" in relation to it, in addition to the two other subjects required to be addressed under item 5 of the Chamber's Order.
3. Considering the urgency of the Request in light of the impending expiration of the deadline for the filing of the prosecution's submissions on 12 September 2007, the Trial Chamber rules on it without waiting for the filing of a defence's response.
4. Regulation of the Court 37(2) provides that "The Chamber may, at the request of a participant, extend the page limit in exceptional circumstances" (emphasis added). The prosecution's Request does not explicitly address the exceptional circumstances test and does not provide adequate reasons why issue 5.b is so complex and difficult that it cannot be addressed sufficiently within 20 pages, along with issues 5.a and 5.c. The Trial Chamber is not satisfied that the mere invocation of particular complexity without more amounts to exceptional circumstances.

5. The prosecution's Request is rejected.

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


Judge Adrian Fulford


Judge Elizabeth Odio Benito


Judge René Blattmann

Dated this 11 September 2007

At The Hague, The Netherlands