

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 10 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 vs. THOMAS LUBANGA DYILO**

Public

URGENT

Request for extension of page limit

The 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
Mr Marc Desalliers
Ms Caroline Buteau

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

Background

1. On 5 September 2007, the Trial Chamber by its "Order setting out schedule for submissions and hearings regarding the subjects that require early determination"¹ (5 September 2007 Scheduling Order) detailed ten issues² that require early determination. The Trial Chamber ordered the Parties and Participants to file submissions in respect of each of them.
2. The Trial Chamber requested the Office of the Prosecutor to file its submissions on all issues except on the role of victims in the proceedings leading up to, and during, the trial *"as soon as possible and in any event no later than Wednesday 12 September"*.³

Information

3. For the ease of reference in the upcoming hearings, the Prosecution will file in sequence, along the lines of the issues that the Trial Chamber scheduled to be further discussed at the various hearing dates.
4. Accordingly, the Prosecution will by Wednesday, 12 September 2007 file separate filings covering the issues identified in paragraph 2. A. to 2. D., in paragraph 3.F. and 3.G., and in paragraph 5. a. to 5.c.

¹ Order setting out schedule for submissions and hearings regarding the subjects that require early determination, public, 5 September 2007 (ICC-01/04-01/06-947).

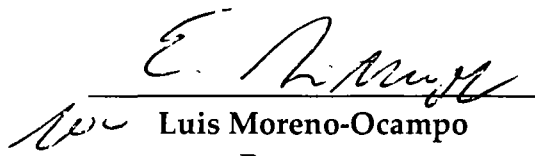
² See 5 September 2007 Scheduling Order, at paras. 2, 3 and 5.

³ *Ibid.*, at para.6.

5. The Prosecution anticipates being able to address the issues in paragraph 2.A. to 2.D. and in paragraph 3.F. and 3.G. in 20 pages each.

Request

6. The issue that the Trial Chamber identified under paragraph 5.b. is particularly complex: The Prosecution will have to cover novel matters that address the relationship between the Pre-Trial Chamber and the Trial Chamber, and specifically to what extent, if at all, decisions of the Pre-Trial Chamber are binding for the Trial Chamber. In this context, the Prosecution will, *inter alia*, make extensive submissions on the amendment of charges by the Pre-Trial Chamber.
7. Against this background, the Prosecution anticipates that its respective submission on the issue in paragraph 5.b. will require about 20 pages. In addition, the Prosecution will have to cover the issues identified in paragraph 5.a. and 5.c. in the same filing.
8. Accordingly, the Prosecution for its filing covering the issues in paragraph 5.a. to 5.c. requests pursuant to Regulation 37(2) an extension of the 20 pages page limit⁴ to 35 pages.


 Luis Moreno-Ocampo
 Prosecutor

Dated this 10th day of September 2007
 At The Hague, The Netherlands

⁴ See Regulation 37(1).