

**Cour
Pénale
Internationale**

**International
Criminal
Court**

No.: ICC-01/04

Date: 14 June 2007

Original: English

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**Under Seal
Ex Parte, Prosecutor Only**

Notification to Pre-Trial Chamber I and Request for Extension of Page Limit

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor

Mrs Fatou Bensouda, Deputy Prosecutor

Ms Christine Chung, Senior Trial Lawyer

Mr Eric MacDonald, Trial Lawyer

No. : ICC-01/04

14 June 2007

1. The Prosecutor respectfully submits this notification regarding its further investigations in the situation in the Democratic Republic of the Congo. It also respectfully requests, pursuant to Regulation 37(2), an extension of the 50-page limit ordinarily applicable to an application for warrants of arrest, under Regulation 38(2)(e).

2. This notification and request is being submitted to the Single Judge in light of the Decision on the Designation of a Single Judge, dated 10 May 2007.¹

3. The OTP anticipates that it will file as early as possible during the last week of this month its second application in the DRC situation for warrants of arrest under Article 58 of the Statute. The application will be filed under seal and *ex parte*, with the reasons for employing this classification set forth in the application.

4. The OTP also wishes to inform the Single Judge that it will respectfully request that the application be considered on an expedited basis. The reason for this request is to avoid the loss of a possible opportunity for arrest. One of the persons whose arrest the Prosecution intends to seek is currently detained in the *Centre Pénitentiaire de Rééducation de Kinshasa*, because he is facing charges in the High Military Court, and there is a possibility that this person could be released as early as 2 July 2007. The person has been detained by the High Military Court since his arrest in early March 2005. In early April 2007, in granting a request for an extension submitted by the Military Prosecutor, the High Military Court made clear that it was granting the request, for a period of 60 working days, "solely to permit the completion of the [Military Prosecutor's] investigation."² It is therefore expected that whenever the Court again convenes, after the current adjournment period expires, during the week of 2 July 2007, it will either schedule a trial date, or order the release of the person whose arrest the OTP intends to seek. The result is, however, impossible to predict with precision, and it is also not possible to know the trial date the High Military Court might select, if it elects to permit the Military Prosecutor to proceed to trial.

¹ See "Décision portant désignation d'un juge unique", ICC-01/04-328, 10 May 2007.

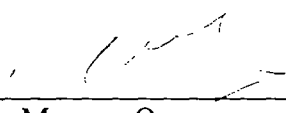
² "Order deciding the extension of preventive detention," High Military Court, Case No. 01221/0122/NBT/05, 10 April 2007.

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Pursuant to Decision ICC-01/04-01/07-211, dated 20-02-2008, this document is reclassified as Public

5. The OTP is currently undertaking the final investigative steps that will enable the submission of the application under Article 58. To facilitate consideration by the Chamber, the OTP intends to submit witness statements, as well as other summaries of evidence, as annexes to the upcoming application.³

6. The OTP also respectfully requests that the page limit for the application itself be extended to 75 pages, in light of the exceptional circumstances: (1) that the application will seek warrants of arrest naming two persons, in connection with crimes against humanity and war crimes, including murder, inhumane acts, use of children in hostilities, sexual enslavement, and pillaging; (2) that the OTP will be requesting expedited consideration of the application and therefore wishes to ensure that the Chamber has the benefit of an inclusive presentation.



Luis Moreno-Ocampo
Prosecutor

Dated this 14th day of June 2007
At The Hague, The Netherlands

³ The Single Judge is aware that the OTP has voluntarily furnished witness statements in all prior cases in which it has applied for warrants of arrest even though Article 58(2)(d) does not make this practice obligatory.