

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 May 2008

TRIAL CHAMBER I

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

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

URGENT

Public Document

**Prosecution's Request for Extension of the Page Limit of its Updated
"Summary of Presentation of Evidence"**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Luc Walley

Mr Frank Mulenda

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Legal Representatives of Applicants

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**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction and Background

1. On 06 May 2008 the Trial Chamber ordered the Prosecution to file an updated version of its summary of the presentation of evidence and annexes by 23 May 2008.¹
2. The original version of the summary of presentation of evidence was filed by the Prosecution on 14 December 2007 pursuant to a Trial Chamber Order emanating from its "Decision Regarding the Timing and Manner of Disclosure and the Date of Trial", rendered on 09 November 2007.²
3. In the afore-mentioned Decision, the Trial Chamber defined the "summary of presentation of evidence" as "a document which explains its [the Prosecution's] case by reference to the witnesses it intends to call and the other evidence it intends to rely upon. Furthermore, this document shall explain how the evidence relates to the charges."³
4. The Prosecution herewith makes an urgent application pursuant to Regulation 37 (2) of the Regulations of the Court ("Regulations") for an extension of the page limit of its filing.
5. In order for the Prosecution to thoroughly present its updated summary of the presentation of evidence in a filing on 23 May 2008, the Prosecution requests that the page limit of 50⁴ pages be extended to no more than 65 pages. It is submitted that this

¹ ICC-01/04-01/06-1307.

² ICC-01/04-01/06-1019, para.26.

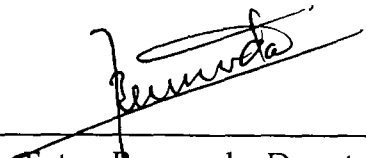
³ ICC-01/04-01/06-1019, para.26.

⁴ The page limit as enshrined in Regulation 37 (1) is 20 pages. For the initial filing of its presentation of the summary of evidence, the Prosecution requested, and was granted, an extension of the page limit to 50 pages by the Trial Chamber; see ICC-01/04-01/06-1070.

extension, permitting the Prosecution to include more assertions of facts and their corresponding supporting references, would be of benefit to the Trial Chamber and the Defence.

II. *Exceptional Circumstances*

6. The Prosecution requests an extension of the page limit to no more than 65 pages pursuant to Regulation 37 (2). A summary of the presentation of evidence, in the Prosecution's submission, must coherently inform the Trial Chamber and the Defence of the Prosecution's case at trial.
7. This necessarily requires more than a mere summary of the evidence; rather it must be an exposition of the evidence of the Prosecution case with specific references to witnesses it intends to call and documents and videos it intends to rely upon, and a summary of the legal theory of criminal liability for that the evidence supports. It is thus footnote heavy.
8. Accordingly, the Prosecution requests the Trial Chamber to grant an extension of the page limit for the filing of the "updated summary of presentation of evidence" from 50 pages to no more than 65 pages, pursuant to Regulation 37(2) of the Court.



 Fatou Bensouda, Deputy-Prosecutor
 on behalf of
 Luis Moreno-Ocampo, Prosecutor

Dated this 22nd Day of May 2008
 At The Hague, The Netherlands