

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07

Date: 28 May 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Germain Katanga and Mathieu Ngudjolo Chui***

Public

Decision on the Defence's Request for extension of time and of page limit

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mr Éric MacDonald, Senior Trial Lawyer

Counsel for the Defence for Germain Katanga

Mr David Hooper
Ms Caroline Buisman

Counsel for the Defence for Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J.L. Gilissen

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar
Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

I, Judge Sylvia Steiner, judge at the International Criminal Court ("the Court");

NOTING the "Decision Establishing a Calendar According to the Date of the Confirmation Hearing: 27 June 2008"¹ ("Decision on the Calendar") issued by the Single Judge on 29 April 2008;

NOTING the "Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case"², ("the Decision on Procedural Rights");

NOTING the "Decision Authorising the Filing of Observations on the Applications for Participation in the Proceedings"³ ("the Decision Authorising the Filing of Observations") issued by the Single Judge on 26 May 2008;

NOTING the Defence's *"Requête urgente sollicitant la prorogation des délais conformément à la Norme 35 de Règlement de la Cour pour permettre à la Défense de formuler ses observations sur la participation de 97 victimes suite à la Décision de la Chambre Préliminaire I du 26 mai 2008 et sollicitant l'extension du nombre de pages conformément à la Norme 37(2) du Règlement de la Cour pour la soumission des dites observations"* filed by the Defence for Mathieu Ngudjolo Chui on 28 May 2008;

NOTING article 68 of the *Rome Statute* ("the Statute"), rule 89 of the *Rules of Procedure and Evidence* ("the Rules"), and regulations 35 and 37 of the *Regulations of the Court* ("the Regulations");

¹ ICC-01/04-01/07-459

² ICC-01/04-01/07-474.

³ ICC-01/04-01/07-509.

CONSIDERING that regulation 35(2) of the Regulations states that “the Chamber may extend or reduce a time limit if good cause is shown”

CONSIDERING that the Defence Counsel for Mathieu Ngudjolo Chui alleges the following exceptional circumstances: (i) the composition of the Defence Team; (ii) the preparation of the Defence for the purpose of the confirmation hearing; and (iii) the analysis of a high number of applications for participation in only seven days;

CONSIDERING that, in the view of the Single Judge, the reasons given by the Defence for Mathieu Ngudjolo Chui cannot be considered as exceptional circumstances as (i) the Defence Team for Mathieu Ngudjolo Chui has been fully operational for some time; (ii) the disclosure process and the victims application process are normal part of the proceedings before the Court; and (iii) the circumstances as described by the Defence for Mathieu Ngudjolo Chui as exceptional actually constitute the very nature of the proceedings before the Court;

CONSIDERING that the Defence for Mathieu Ngudjolo Chui also requests an extension for page limit under regulation 37(2) of the Regulations base on the high number of applications for participation for which observations may be made;

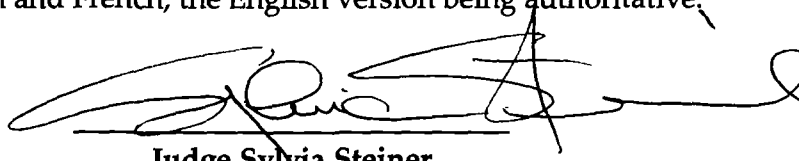
CONSIDERING that, in the view of the Single Judge, an extension of page limit is necessary in order to allow the parties to make meaningful submissions on the applications for participation; and that this extension of page limit should also benefit the Defence for Germain Katanga and the Prosecution;

FOR THESE REASONS,

REJECT the Defence for Mathieu Ngudjolo Chui's request for an extension of time limit;

DECIDE to grant to the Prosecution and the Defence for Germain Katanga and for Mathieu Ngudjolo Chui, an extension of page limit up to 40 pages for their observations pursuant to the Decision Authorising the Filing of Observations.

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



Judge Sylvia Steiner
Single Judge

Dated this Wednesday 28 May 2008

At The Hague, the Netherlands