



Original: **English**

No.: ICC-02/05
Date: **23 June 2008**

THE APPEALS CHAMBER

Before: Judge Navi Pillay, Presiding Judge
Judge Philippe Kirsch
Judge Georgios M. Pikis
Judge Sang-Hyun Song
Judge Erkki Kourula

SITUATION IN DARFUR, SUDAN

Public Document

OPCD response to the Appeals Chamber's directions of 19 June 2008 on the request of Legal Representatives of a/0011/06, a/0012/06, a/0013/06, a/0015/06, a/0023/06, a/0024/07, a/0026/07, a/0029/07, a/0036/07, and a/0038/07 for an extension of the page limit

Source: Office of Public Counsel for the Defence

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

Counsel for the Defence

Legal Representatives of Victims

Ms Wanda M. Akin

Mr Raymond M. Brown

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Procedural History

1. On 18 June 2008, the Honourable Appeals Chamber issued its decision in relation to the pending applications to participate in the three appeals filed by the Office of Public Counsel for the Defence (OPCD) and the Prosecution in relation to victim participation in the Darfur situation.¹
2. The Appeals Chamber joined the three appeals, and granted applicants a/0011/06, a/0012/06, a/0013/06, a/0015/06, a/0023/06, a/0024/07, a/0026/07, a/0029/07, a/0036/07, a/0037/07 and a/0038/07 the right to file “views and concerns respecting their personal interests solely to the issues raised on appeal.”² The Appeals Chamber further underscored that “[o]bservations to be received by the victims must be specifically relevant to the issues arising in the appeal and to the extent that their personal interests are affected by the proceedings”.³
3. The applicants were ordered to file their observations by 25 June 2008, and the OPCD and OTP were ordered to file their response by 3 July 2008.
4. On the same day, the legal representative for these applicants filed a request for an extension of the page limit to 40 pages.⁴
5. On 19 June 2008, the Appeals Chamber directed the OPCD and OTP to respond to this request by 23 June 2008 at 12 noon.⁵

2. Observations

6. In response, the OPCD notes firstly, that the legal representatives have been directed to limit their observations to the manner in which the issues raised on appeal have impacted upon the personal interests of the applicants, and secondly, that as recognized by the Appeals Chamber’s decision to join the appeals, there is a high degree of confluence in the issues raised in the respective appeals.
7. Thus, whilst the OPCD does not object to an extension of the page limit upon demonstration of good cause, the OPCD respectfully submits that the requested

¹‘Decision on Victim Participation in the appeal of the Office of Public Counsel for the Defence against Pre-Trial Chamber I’s Decision of 3 December 2007 and in the appeals of the Prosecutor and the Office of Public Counsel for the Defence against Pre-Trial Chamber I’s Decision of 6 December 2007’, 18 June 2008, ICC-02/05-138.

² At page 21.

³ At page 21.

⁴‘Request of the Legal Representatives of Victims a/0011/06 to a/0015/06, a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07 for extension of page limit to file their response to the Interlocutory Appeals of the Office of the Prosecutor and Office of Public Counsel for the Defence’, 18 June 2008, ICC-02/05-139.

⁵‘Directions to the Prosecutor and the OPCD on the request of Legal Representatives of Victims a/0011/06 to a/0015/06, a/0021/07, a/0023/07 to a/0033/07 and a/0035/07 to a/0038/07 for an extension of the page limit’, 19 June 2008, ICC-02-05-140.

number of 40 pages appears excessive, and could generate an additional burden for the parties to respond within the designated deadline⁶ and within the set page limit of 20 pages.

8. In the alternative, should the Appeals Chamber grant the legal representative's request for an extension of 40 pages, the OPCD submits that good cause would also exist for the Appeals Chamber to grant a corresponding extension of the page limit to the parties in order to give effect to their right to fully respond to this explication of the applicants' personal interests.



Xavier-Jean Keïta
Principal Counsel of OPCD

Dated this Monday, 23 June 2008

At The Hague, The Netherlands

⁶ OPCD respectfully draws the attention of the Appeals Chamber to the fact that the current deadline for the OPCD's response falls within the timeframe of the confirmation hearing for Germain Katanga and Mathieu Ngudjolo, and that on 10 June 2008, the Honourable Single Judge issued an oral order, requiring the OPCD to designate two different staff members to provide ongoing assistance to each respective defence team during the confirmation process.