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

Date: **19 June 2009**

TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Hans-Peter Kaul

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA and MATHIEU NGUDJOLO CHUI***

Public

Urgent Defence Application for Extension of Page Limit

Source: Defence for Mr Germain Katanga

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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Legal Representatives of Victims

Ms Carine Bapita Buyangandu
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Mr Jean Chrysostome Mulamba
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Unrepresented Victims

Legal Representatives of Applicants

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

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Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. The Defence seeks an extension of the page limit for its *Motion for Declaration of Abuse of Process Resulting from Illegal Arrest and Detention of Germain Katanga and Stay of Proceedings*, to be filed imminently, and currently 45 pages excluding annexes.
2. This request is based upon the fact that the submissions are necessarily lengthy due to the complexity of the law and required detail of factual explanations and analyses of documents relating to detention from February 2005 to October 2007. The legal aspects, covering both international and DRC law merit in-depth analysis. These include rights of detainees, prosecutorial responsibilities and abuse of process.
3. By analogy, a motion challenging the jurisdiction of the Court has a limit of 100 pages under Regulation 38(1). While *sui generis*, this motion is akin to such a motion, given the nature and complexity of the factual and legal issues involved. In the Lubanga case, the Pre-Trial Chamber granted the Prosecution an extension to a 37 page limit due to the number and complexity of the issues.¹

The Defence pleads exceptional circumstances and prays an extension to a 45 page limit.

Respectfully submitted,



David HOOPER

Dated this 19th June 2009

At The Hague

¹ ICC-01/04-01/06-124, *Decision on the Prosecution Application for an Extension of the Page Limit for Application to be filed tomorrow*, issued on 23 May 2006.