

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **16 July 2009**

TRIAL CHAMBER II

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

***IN THE CASE OF
THE PROSECUTOR
v. Germain KATANGA and Mathieu NGUDJOLO CHUI***

URGENT

Public

**Prosecution Request for an Extension of the Page Limit for its Response to Defence
Motion for a Declaration on Unlawful Detention and Stay of Proceedings**

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

Counsel for the Defence of Germain Katanga

Mr David Hooper

Counsel for the Defence of Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila

Legal Representatives of Victims

Legal Representatives of 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 Other Section

Introduction

1. Pursuant to Regulation 24, the Prosecution will respond to the “Defence motion for a declaration on unlawful detention and stay of proceedings” (“Defence Motion”).¹ The Defence requested and was granted an extension of the page limit for its Motion, and thereafter filed a 37-page Motion. In order to fully address all the legal and factual arguments raised in the Defence Motion, the Prosecution hereby applies for a comparable extension of the page limit.

Procedural Background

2. On 19 June 2009, Germain Katanga (“Defence”) filed an “Urgent Defence Application for Extension of Page Limit”,² seeking an extension of the page limit to 45 pages, excluding annexes, for the purposes of the Defence Motion.
3. On the same date, Trial Chamber II (“Chamber”) issued the “*Décision sur la requête de la Défense de Gennain Katanga aux fins d'augmentation du nombre de pages autorisés (norme 37-2 du Règlement de la Cour)*”,³ in which it granted the request of the Defence.
4. On 30 June 2009, the Defence filed the Defence Motion. It consists of 37 pages of factual and legal submissions, as well as 11 annexes. The public redacted version of the Defence Motion was notified to the Prosecution on 2 July 2009. The unredacted version of the Defence Motion, together with the annexes was notified to the Prosecution on 3 July 2009.
5. Pursuant to Regulations 24 and 34(b), the Prosecution’s response to the Defence Motion is due on 24 July 2009.

Request for Extension of Page Limit

6. Pursuant to Regulation 37(2), a party may apply for an extension of the page limit in exceptional circumstances. The Prosecution submits that the circumstances of its response to the Defence Motion warrant such an extension.

¹ ICC-01/04-01/07-1258-Conf-Exp, 30 June 2009. A public redacted version of the Defence Motion was filed on 2 July 2009 (ICC-01/04-01/07-1263).

² ICC-01/04-01/07-1220.

³ ICC-01/04-01/07-1223.

7. The Chamber granted the Defence request for an extension of the page limit. It explained: *“qu’il est essentiel, eu égard notamment au stade avancé de la procédure, que les participants puissent répondre utilement à cette requête, en toute connaissance de cause”*.⁴
8. The Defence thereafter filed 37 pages of legal and factual arguments in support of its Defence Motion and attached 11 annexes thereto.
9. The Prosecution submits that it will serve the interests of justice and enable a proper determination of the issue if it can as comprehensively respond to the factual and legal arguments and the information included in the annexes. The Prosecution believes that it can best present its case in a document not exceeding 40 pages, excluding cover pages. The Prosecution accordingly submits that the additional pages will facilitate its task of presenting clear arguments that will in turn assist the Chamber in its role.

Relief Sought

10. The Prosecution submits that the reasons set out above constitute exceptional circumstances within the meaning of Regulation 37(2). While the Prosecution will endeavour to restrict the length of its filing, it respectfully requests an extension of 20 pages to the page limit for its response to the Defence Motion.



Luis Moreno-Ocampo,
Prosecutor

Dated this 16th day of July 2009
At The Hague, The Netherlands

⁴ ICC-01/04-01/07-1223, p. 4.