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TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
THE PROSECUTOR *v.* GERMAIN KATANGA AND MATHIEU NGUDJOLO
CHUI**

Public Document

**Prosecution Request for an Extension of the Page Limit for its Response to the
« Requête de la Défense de Mathieu Ngudjolo tendant à obtenir le rejet de
certaines pièces reprises dans le Tableau des éléments à charge élaboré par le
Procureur »**

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

Mr Andreas O'Shea

Counsel for the Defence of Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Prosecution hereby seeks an extension of the page limit for its response to the “Requête de la Défense de Mathieu Ngudjolo tendant à obtenir le rejet de certaines pièces reprises dans le Tableau des éléments à charge élaboré par le Procureur”¹ (“Defence Motion”). The Prosecution submits that such an extension of the page limit is necessary in order to sufficiently address the arguments raised by the Defence.

Request for Extension of Page Limit

2. Pursuant to Regulation 37(2), a party may apply for an extension of the page limit in exceptional circumstances. The Prosecution submits that such exceptional circumstances exist in the present case to warrant this request.
3. The Defence Motion questions the admissibility of a significant number of documents, which are currently included in the Prosecution’s List of Evidence for trial (approximately 51²). These documents are important to prove the Prosecution’s case. They need to be thoroughly discussed and analysed in the Prosecution’s response, in order to adequately address, both factual and legal challenges raised by the Defence. Such an analysis will lack the necessary depth, if confined to a 20 page limit.
4. The Prosecution submits that it will serve the interests of justice and enable a proper determination of their admissibility, if it can sufficiently respond to the arguments advanced by the Defence. The Prosecution believes that it can best present its case in a document not exceeding 40 pages, excluding cover pages. The

¹ ICC-01/04-01/07-1522-Conf, 12 October 2009.

² *Ibid.*, par. 37.

Prosecution accordingly submits that the additional pages will facilitate its task of presenting clear arguments for each document in question, and thereby assist the Chamber in its decision.

Relief Sought

5. 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 14th day of October 2009

At The Hague, The Netherlands