

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07
Date: 22 October 2009

TRIAL CHAMBER II

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

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

Public Document

**Decision on the “Urgent Defence Application for Extension of Page Limit”
(ICC-01/04-01/07-1549)**

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
 Ms Fatou Bensouda, Deputy Prosecutor
 Mr Eric MacDonald, Senior Trial Lawyer

Counsel for Germain Katanga

Mr David Hooper
 Mr Andreas O'Shea

Counsel for 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 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

Trial Chamber II ("Trial Chamber" or "Chamber") of the International Criminal Court ("Court"), in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, in accordance with Regulation 37(2) of the Regulations of the Court ("Regulations"), issues the following decision.

1. During the status conference held on 2 October 2009, the Chamber requested that the Defence submit specific, written applications on questions relating to the admissibility of evidence.¹
2. On 19 October 2009, the Defence for Mathieu Ngudjolo filed an urgent request seeking the extension of the page limit for its forthcoming application concerning the admissibility of evidence relating to deceased witnesses.²
3. The Chamber, by its decision of 21 October 2009³, authorised this request for the extension of page limit, pursuant to regulation 37(2) of the Regulations, granting permission to file an application comprising 40 pages.⁴
4. The same day, the Defence for Germain Katanga ("Defence") also filed an urgent request for an extension of page limit⁵ pursuant to regulation 37(2) of the Regulations for its submissions on issues relating to the admissibility of evidence. It argues that exceptional circumstances exist that justify an extension of the page limit applicable to ordinary filings, given the complexity, novelty and depth of the factual and legal analysis required to set

¹ ICC-01/04-01/07-T-72-ENG ET WT, 2 October 2009, p. 55, lines 23-25

² "Requête urgente sollicitant l'extension du nombre de pages conformément à la Norme 37 (2) du Règlement de la Cour pour une requête relative aux témoins décédés 167 et 258", 19 October 2009, ICC-01/04-01/07-1540

³ "Decision on the urgent request for an extension of page limit pursuant to regulation 37(2) of the Regulations of the Court (ICC-01/04-01/07-1540)", 21 October 2009, ICC-01/04-01/07-1546

⁴ ICC-01/04-01/07-1546, par. 4

⁵ "Urgent Defence Application for Extension of Page Limit", 21 October 2009, ICC-01/04-01/07-1549

out its argument in full.⁶ As the Chamber requested detailed written submissions on the issues of admissibility, the Defence seeks to submit its observations on a number of matters pertaining to the admissibility of evidence within the case, both of general and specific character.⁷ Thus, instead of filing a number of separate applications, the Defence requests the Chamber to be granted an extension of page limit so as to be able to present its arguments in one consolidated filing comprising 60 pages.⁸

5. As the Chamber has held on previous occasions,⁹ it is vital that the parties be given the opportunity to fully develop their arguments, especially where, at the request of the Chamber, a number of complex procedural matters are being addressed. It is important that the Defence has the fullest possible opportunity to raise all issues of admissibility that can be addressed before the commencement of the hearings on the merits as exhaustively as possible. Therefore, the Chamber considers that the nature of this filing does indeed require that the page limit be extended to the requested 60 pages.

⁶ Ibid., par. 5

⁷ Ibid., par. 4

⁸ Ibid., par. 5 and 6

⁹ ICC-01/04-01/07-1223; ICC-01/04-01/07-1314; ICC-01/04-01/07-1531; ICC-01/04-01/07-1546

FOR THESE REASONS,

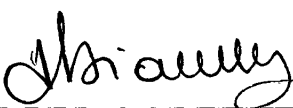
THE CHAMBER,

GRANTS the Defence request for an extension of page limit pursuant to regulation 37(2) of the Regulations.

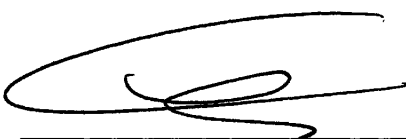
Done in both English and French, the English version being authoritative.



Judge Bruno Cotte
Presiding Judge



Judge Fatoumata Dembele Diarra



Judge Christine Van den Wyngaert

Dated this 22 October 2009

At The Hague, the Netherlands