



Original: **English**

No.: ICC-01/04-01/07
Date: 27 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 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 Document
Containing the Charges Confirmed by the Pre-Trial Chamber in accordance with
the «Décision relative au dépôt d'un résumé des charges 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

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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 to 40 pages for the Document Containing the Charges confirmed by the Pre-Trial Chamber ("Document"). The Document is due to be filed on 28 October 2009, in accordance with Trial Chamber II's ("Chamber") « Décision relative au dépôt d'un résumé des charges par le Procureur ».¹ The Chamber requires that the Document reflect the conclusions, charge by charge, that the Pre-Trial Chamber reached in the confirmation decision, as well as the factual underpinnings of the eight charges against the Accused. Because of the importance of the Document to the Chamber and ultimately to its judgment, the Prosecution deems it essential to provide a thorough recitation. The requested extension is necessary to fully set forth and thereby preserve the essential facts and circumstances.

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 Document, prepared at the Chamber's direction, is intended to include not simply the charges confirmed by the Pre-Trial Chamber, but also the precise factual bases for the confirmation decision. Because of the scope and importance of the Document, the Chamber recognized that it might exceed the 20-page limit provided in Regulation 37.²
4. The Prosecution submits that it will serve justice, protect the rights and interests of the parties and participants, and enable a proper determination of the case if it

¹ ICC-01/04-01/07-1547.

² *Ibid.*, at para. 29.

can provide a sufficiently specific Document that addresses the Chamber's requirements. Accordingly, to accommodate those interests and present a document of manageable size, the Prosecution proposes to submit a Document not exceeding 40 pages, excluding cover pages.

Relief Sought

5. The Prosecution submits that the reasons set out above constitute exceptional circumstances within the meaning of Regulation 37(2). The Prosecution respectfully requests an extension of 20 pages to the page limit for its Document Containing the Charges confirmed by the Pre-Trial Chamber, while assuring the Chamber that it continues to edit the Summary to reduce it as much as possible.



Luis Moreno-Ocampo, Prosecutor

Dated this 27th day of October 2009

At The Hague, The Netherlands