



Original: **French**

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 THE CONGO

IN THE CASE OF

THE PROSECUTOR v. GERMAIN KATANGA and MATHIEU NGUDJOLO CHUI

Public Document

**Decision on the Application by the Defence for Germain Katanga for an Extension
of the Authorised Number of Pages (Regulation 37(2) of the Regulations of the
Court)**

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 Éric 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

Ms Carine Bapita Buyangandu
 Mr Joseph Keta
 Mr Jean-Louis Gilissen
 Mr Hervé Diakiese
 Mr Jean Chrysostome Mulamba
 Nsokoloni
 Mr Fidel Nsita Luvengika
 Mr Vincent Lurquin
 Ms Flora Mbuyu Anjelani

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
 (Participation/Reparation)**

**The Office of Public Counsel for
 Victims**

Ms Paolina Massidda

**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 of the International Criminal Court (“the Chamber” and “the Court” respectively), acting pursuant to regulation 37(2) of the Regulations of the Court, renders the following decision:

1. On 19 June 2009, the Defence for Germain Katanga submitted an urgent application (“the Application”)¹ for extension of the number of pages authorised by the Regulations of the Court for the filing of a document. The document in question is stated to relate to the arrest and detention of Germain Katanga and to contain a request to the Chamber for a stay of the proceedings.

2. Counsel for Germain Katanga maintains that this motion, which he intends to file very shortly, sets out complex legal arguments concerning the rights of detainees, prosecutorial responsibilities and abuse of process. Counsel adds that the motion also analyses in a factual and detailed manner the detention of Germain Katanga from February 2005 to October 2007.²

3. Regulation 37(2) of the Regulations of the Court provides that “[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”, that limit generally being 20 pages. In this case, the Defence for Germain Katanga argues that a minimum of 45 pages is needed in order properly to address the issues raised in its intended motion, excluding annexes.³ It maintains that the exceptional circumstances required by the aforementioned regulation are present, given the nature and complexity of the issues raised. It refers further to the number of pages authorised by the Regulations of the Court for submitting challenges to jurisdiction, to which, in the Defence’s opinion, its intended motion is akin.⁴

¹ Defence for Germain Katanga, *Urgent Defence Application for Extension of Page Limit*, 19 June 2009, ICC-01/07-01/07-1220.

² *Ibid*, para. 2.

³ *Ibid*, para. 1.

⁴ *Ibid*, para. 3.

4. The Chamber considers that, in order to be properly addressed, the issues shortly to be raised in the motion by the Defence for Germain Katanga cannot be developed in the space of a mere 20 pages, as is generally required of participants under regulation 37(2) of the Regulations of the Court. Moreover, the Chamber recalls that, considering in particular the advanced stage of the proceedings, it is essential that the participants should be in a position to give a proper and informed response to the motion.

FOR THESE REASONS, THE CHAMBER

GRANTS the Application.

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

[signed]

Judge Bruno Cotte
Presiding Judge

[signed]

Judge Fatoumata Dembele Diarra

[signed]

Judge Hans-Peter Kaul

Dated this 19 June 2009

At The Hague, The Netherlands