Cour Pénale Internationale

International Criminal Court

Original: **French**

No.: **ICC-01/04-01/07**
Date: **17 February 2012**

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

Decision on the requests of the parties and participants for an extension of the page limit for their written closing submissions

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
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 Victims
Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparations

Office of Public Counsel for Victims

Office of Public Counsel for the Defence

States' Representatives

REGISTRY

Registrar
Ms Silvana Arbia

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

STIC
Ms Alexandra Tomić
Ms Aida Camara

TRIAL CHAMBER II of the International Criminal Court ("the Chamber" and "the Court", respectively), acting pursuant to article 64 of the Rome Statute and rule 37 of the Rules of Procedure and Evidence, decides the following.

NOTING the order determining the arrangements for the submission of the written and oral closing statements, issued on 15 December 2011;[1]

NOTING the decision amending the arrangements for the filing of the written closing submissions, issued on 14 February 2012;[2]

NOTING the request filed by the Office of the Prosecutor ("the Prosecutor") on 15 February 2012 seeking an additional 50 pages for his written submissions ("the Prosecutor's Request");[3]

NOTING the request of the Defence for Mathieu Ngudjolo[4] and the response of the Defence for Germain Katanga to the Prosecutor's Request,[5] both seeking leave to add 100 pages to the 300 pages they were granted for the submission of their own respective written submissions;

NOTING the observations of the Legal Representative of the main group of victims[6] and of the Legal Representative of the child-soldier victims,[7] seeking leave to add

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[1] *Order on the arrangements for the submission of the written and oral closing statements (regulation 54 of the Regulations of the Court)*, 15 December 2011, ICC-01/04-01/07-3218-tENG.
[2] *Decision amending the arrangements for the filing of the written submissions*, 14 February 2012, ICC-01/04-01/07-3238-tENG, with confidential annex.
[3] Office of the Prosecutor, "*Demande urgente de l'Accusation aux fins d'extension de pages pour ses conclusions écrites finales*", 15 February 2012, ICC-01/04-01/07-3243.
[4] Defence for Mathieu Ngudjolo, "*Requête urgente de la Défense de Mathieu Ngudjolo en vue de solliciter l'extension du nombre de pages de ses conclusions écrites finales*", 16 February 2012, ICC-01/04-01/07-3244.
[5] Defence for Germain Katanga, "Defence Response to '*Demande urgente de l'Accusation aux fins d'extension de pages pour ses conclusions écrites finales*'; and Request to Vary the Page Limit of the Defence Closing Brief", 16 February 2012, ICC-01/04-01/07-3245.
[6] Common legal representative of the main group of victims, "*Observations sur la demande du Procureur d'étendre le nombre de pages pour ses conclusions finales et demande d'extension de pages (Norme 37(2) du Règlement de la Cour)*", 16 February 2012 (notified on 17 February 2012), ICC-01/04-01/07-3246.
[7] Legal representative of the group of child-soldier victims, "*Observations sur la requête du Procureur et la requête de la Défense de M. Ngudjolo en extension de pages pour les conclusions écrites finales et demande pour une telle extension*", 16 February 2012 (notified on 17 February 2012), ICC-01/04-01/07-3248.

25 and 10 pages respectively to the 80 and 40 pages they were granted for the submission of their written statements;

CONSIDERING that the parties and participants argue in support of their respective requests for an extension of the page limit that, *inter alia*:

- despite their efforts to comply with the page limits set by the Chamber, the limits are insufficient to set out appropriately certain legal and factual issues specific to the case;

- this case – one of the first to be heard by the Court – is complex, both in view of the number and scope of the charges and the evidence tendered and of the legal issues arising;

CONSIDERING that both the Chamber and the parties and participants will benefit from comprehensive, well argued and clearly presented submissions;

CONSIDERING further that the commencement date of the closing oral statements, scheduled in the decision of 15 December 2011 for 15 May 2012, can on no account be postponed, for a number of mostly organisational reasons;

CONSIDERING, consequently, that it is fair to grant an extension of 50 pages for the briefs of the Prosecutor and the two Defence teams and an extension of 25 and 10 pages respectively for the two Legal Representatives' briefs;

CONSIDERING that it is thus for the translation service of the Prosecutor to contact the translation service of the Registry to prepare urgently a joint work plan to ensure that the translation of the Prosecutor's written submissions is indeed submitted within the three-week time limit ordered on 15 December 2011;

CONSIDERING that, in all likelihood, only the first three hundred pages of the written submissions of the Defence for Germain Katanga can be translated within the

five-week time limit set on 15 December 2011, and that the fifty additional pages will only be able to be translated subsequently, the specialised service of the Registry having nevertheless taken all measures to minimise this additional time;

GRANTS the Prosecutor's Request, and **ORDERS** him to take all necessary measures to comply with the three-week time limit imposed on 15 December 2011;

GRANTS the requests of the two Legal Representatives of Victims;

PARTIALLY GRANTS the requests of the two Defence teams.

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

[signed]

Judge Bruno Cotte
Presiding Judge

[signed]

Judge Fatoumata Dembele Diarra

[signed]

Judge Christine Van den Wyngaert

Dated this 17 February 2012,

At The Hague, The Netherlands