



Original: **French**

ICC-01/04-01/07

Date: 30 September 2016

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Péter Kovács

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Public Document

**Decision on the urgent request by the Common Legal Representative of Victims
for an extension of the page limit for observations on the monetary value of the
harm alleged**

Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Éric MacDonald

Counsel Germain Katanga

Mr David Hooper
Ms Caroline Buisman

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

States' Representatives

**Office of Public Counsel for the
Defence**

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Trust Fund for Victims

Mr Pieter de Baan, Trust Fund for
Victims

TRIAL CHAMBER II (“the Chamber”) of the International Criminal Court (“the Court”), pursuant to regulation 37(2) of the Regulations of the Court (“the Regulations”), issues the following decision.

1. On 15 July 2016, the Chamber instructed the Common Legal Representative of Victims (“the Legal Representative”), the Defence team for Germain Katanga (“the Defence”) and the Trust Fund for Victims (“the Trust Fund”) to file by 15 September 2016 observations on the monetary value they consider fair for each type of harm alleged by the requesters¹ (“Order of 15 July 2016”). On 14 September 2016, following a request by the Legal Representative,² the Chamber extended the time limit for filing observations to 30 September 2016.³

2. On 29 September 2016, the Legal Representative filed an urgent request for an extension of the page limit as set in the Order of 15 July 2016 for filing observations on the monetary value of the harm alleged, to 35 pages – i.e. five additional pages⁴ (“the Request”).

3. On 30 September 2016, the Defence responded that it did not object to the Request.⁵

4. The Chamber recalls that, pursuant to regulation 37(2) of the Regulations, “[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances.”

5. The Legal Representative submitted that, in spite of his efforts to summarise and shorten the text containing his observations, he was unable to respect the

¹ “Order instructing the parties and the Trust Fund for Victims to file observations on the monetary value of the alleged harm”, 15 July 2016, ICC-01/04-01/07-3702-tENG.

² “*Demande de prorogation de délai en vue du dépôt d’observations sur la valeur monétaire des préjudices allégués* (Ordonnances ICC-01/04-01/07-3702 et ICC-01/04-01/07-3705),” 9 September 2016, ICC-01/04-01/07-3707.

³ “*Décision accordant une prorogation de délai pour le dépôt des observations sur la valeur monétaire des préjudices allégués*,” 14 September 2016, ICC-01/04-01/07-3708.

⁴ “*Requête urgente du Représentant légal des victimes aux fins d’augmentation du nombre de pages autorisé pour ses observations sur la valeur monétaire des préjudices allégués*” dated 29 September 2016 and notified on 30 September 2016, ICC-01/04-01/07-3710.

⁵ By e-mail sent to the Chamber on 30 September 2016 at 13:17.

30-page limit set by the Chamber.⁶ He argued that any further shortening of the text would not allow him to clarify important points and his reasoning for the Chamber and the parties.⁷

6. The Chamber considers that the reasons advanced do not in themselves constitute exceptional circumstances within the meaning of regulation 37(2) of the Regulations. Nonetheless, as assessing harm is a difficult exercise that raises an entirely new issue for the Court and in order for the Chamber to receive sufficiently clear observations it hereby extends the page limit to 35 pages.

FOR THESE REASONS, the Chamber

GRANTS the request for extension of the page limit, authorising the submission of a 35-page document.

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

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

Judge Olga Herrera Carbuccia

[signed]

Judge Péter Kovács

Dated this 30 September 2016

At The Hague, Netherlands

⁶ Request, para. 5.

⁷ Request, para. 6.