

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06

Date: 23 May 2008

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

**SITUATION
IN THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE CASE OF THE
PROSECUTOR *v.* THOMAS LUBANGA DYILO**

**Public
URGENT**

**Order on prosecution's request for extension of the page limit of
updated "Summary of Presentation of Evidence"**

Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Ekkehard Withopf

Counsel for the Defence

Ms Catherine Mabile
Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

Mr Luc Walley
Mr Franck Mulenda
Ms Catherine Bapita Buyangandu

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

1. The Trial Chamber is seized of a "Prosecution's Request for the extension of the page limit of its updated "Summary of Presentation of Evidence" filed on 22 May 2008 ("Request"), which requests an extension of the 20 pages page limit to 65 pages pursuant to Regulation 37(2) of the Regulations of the Court.
2. The Office of the Prosecutor ("prosecution") filed the original version of the summary of presentation of evidence on 14 December 2007 pursuant to an order of the Trial Chamber in its "Decision regarding the timing and manner of disclosure and the date of trial" dated 9 November 2007.¹
3. On 6 May 2008, the Trial Chamber ordered the prosecution to file an updated version of its summary of the presentation of evidence and annexes by 23 May 2008.²
4. In its Request, the prosecution asks for an extension to the page limit of up to 65 pages to allow it to file its updated summary of the presentation of evidence on 23 May 2008.³ The prosecution submits that such an extension would enable it to include more assertions of the facts and their corresponding, supporting references which would be of benefit to the Trial Chamber and the defence.⁴
5. The prosecution submits that due to the very nature of the filing which must coherently inform the Trial Chamber and the defence of the prosecution's case at trial, this will necessarily involve more than a mere summary of the evidence and so will inherently be more expansive and heavily footnoted.⁵ The prosecution thereby submits that these are exceptional circumstances, permitting the Chamber to accede to its Request.

¹ ICC-01/04-01/06-1019, paragraph 26.

² Order for an updated "Prosecution's summary of evidence", 6 May 2008, ICC-01/04-01/06-1307.

³ Prosecution's request for extension of the page limit of its updated "Summary of Presentation of Evidence", 22 May 2008, ICC-01/04-01/06-1348, paragraphs 4 and 5.

⁴ *Ibid*, paragraph 5.

⁵ *Ibid*, paragraphs 6 and 7

6. The defence has indicated by email on 22 May 2008 that it does not oppose the prosecution's Request.⁶

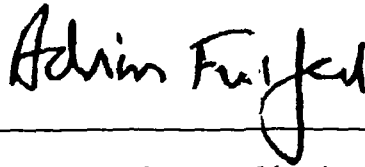
Analysis

7. Regulation 37(1) of the Regulations of the Court stipulates that a document filed with the Registry shall not exceed 20 pages but pursuant to Regulation 37(2) of the Regulations, the Chamber may, at the request of a participant, extend the page limit in exceptional circumstances.
8. Given that the Trial Chamber has previously granted an extension to the page limit for the previous filing relating to updating the summary of presentation of evidence,⁷ and given that it is in both the interest of the Chamber and the defence to be in receipt of a more thorough summary of presentation of evidence, the Trial Chamber finds that the reasons stated in the Request constitute exceptional circumstances pursuant to Regulation 37(2) and hereby grants the prosecution an extension of the 20 pages limit to 65 pages for the filing of the "Updated Summary of Presentation of Evidence".

⁶ Email communication to the Chamber through the legal adviser to the Trial Division.

⁷ Decision on prosecution's request for extension of page limit, 10 December 2007, ICC-01/04-01/06-1070.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 23 May 2008

At The Hague, The Netherlands