

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07

Date: 16 April 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

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 Defence Request for extension of Time

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 the Defence
of Germain Katanga**

Mr David Hooper
Ms Caroline Buisman

**Counsel for the Defence of Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J.L. Gilissen

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

Mr Ralph Martens, Acting Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I, Judge Sylvia Steiner, judge at the International Criminal Court (“the Court”);

NOTING the “Decision on the Applications for Participation in the Proceedings of Applicants a/0327/07 to a/0337/07 and a/0001/08”¹ (“the Decision on the Applications”) issued by the Single Judge on 2 April 2008, in which the Single Judge decided, *inter alia*, that:

- (i) Applicants a/0327/07, a/0329/07, a/0330/07, a/0331/07 and a/0333/07 shall have until Wednesday 9 April 2008: (i) to make a request, if they so wish, for the non-disclosure of their identities to the Defences for Germain Katanga and Mathieu Ngudjolo Chui during the pre-trial stage of the present case; and (ii) to make their observations on the set of procedural rights that should be attached to the procedural status of victim at the pre-trial stage of the present case; and that
- (ii) the Prosecution shall have until Monday 14 April 2008, and the Defences for Germain Katanga and Mathieu Ngudjolo Chui until Friday 18 April 2008 to make their respective observations on: (i) any request for non-disclosure of identity made by Applicants a/0327/07, a/0329/07, a/0330/07, a/0331/07 and a/0333/07; (ii) the set of procedural rights that should be attached to the procedural status of victim at the pre-trial stage of the present case.

NOTING the “*Observations des représentants légaux de la victime a/0333/07 relatives au maintien de l’anonymat et aux modalités de participation des victimes au stade préliminaire de l’affaire*”² filed by the Legal Representatives of Victim a/0333/07 on 9 April 2008;

NOTING the “*Sousmission du représentant légal des victimes a/0327/07, a/0329/07, a/0330/07 et a/0331/07 sur le mode de participation des victimes à l’audience des*

¹ ICC-01/04-01/07-357.

² ICC-01/04-01/07-383.

confirmations des charges”³ filed by the Legal Representative of Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07 on 9 April 2008;

NOTING the “Prosecution’s Observations on the Anonymity and the Modalities of Participation in the Proceedings of Applicants a/0327/07 to a/0337/07”⁴ filed by the Prosecution on 14 April 2008;

NOTING the “*Requête sollicitant la prorogation des délais conformément à la Norme 35 du Règlement de la Cour pour permettre à la Défense de répondre aux observations des Représentants légaux des victimes a/0333/07, a/0327/07, a/0329/07, a/0330/07 et a/0331/07 relatives au maintien de l’anonymat et aux modalités de participation des victimes au stade préliminaire de l’affaire*”⁵ (“the Request”) filed by the Defence for Mathieu Ngudjolo Chui on 15 April 2008;

NOTING articles 67 and 68 of the *Rome Statute* (“the Statute”); rules 89 and 91 of the *Rules of Procedure and Evidence* (“the Rules”), and regulations 35 of the *Regulations of the Court* (“the Regulations”);

CONSIDERING that the Decision on the Applications in which the Single Judge establishes the time limit for observations on the set of procedural rights that should be attached to the procedural status of victim at the pre-trial stage of the present case was issued on 2 April 2008; and that the observations of the Legal Representatives of all the Victims of the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* were submitted on 9 April 2008;

³ ICC-01/04-01/07-385.

⁴ ICC-01/04-01/07-392.

⁵ ICC-01/04-01/07-357.

CONSIDERING that the Defence for Mathieu Ngudjolo Chui submits that (i) the Defence Team has been complete since only three weeks from the Request; (ii) the Defence Team has only just received access and training to ringtail and livenote programs; and (iii) the Defence Team is currently preparing its Briefs in relation to two appeals and that the briefs are due to be filed on 17 and 21 April 2008, respectively;

CONSIDERING that, although the time limit originally given in the Decision on the Applications allowed sufficient time for the Defence for Mathieu Ngudjolo Chui to make its observations, the Single Judge notes that the cumulative factors of the considerable amount of submissions, together with the organization of the Defence Team in terms of personnel and access and training to relevant software of the Court indicates good cause shown by the Defence for Mathieu Ngudjolo Chui as required by Regulation 35 (2) of the Regulations;

CONSIDERING that, in the view of the Single Judge, the Defence for Germain Katanga should also benefit from this extension of time limit;

FOR THESE REASONS

GRANT the request of the Defence for Mathieu Ngudjolo Chui;

DECIDE that both the Defences for Mathieu Ngudjolo Chui and Germain Katanga shall have until Wednesday 23 April 2008 to file their observations pursuant to the Decision on the Applications.

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



Judge Sylvia Steiner
Single judge

Dated this Wednesday 16 April 2008

At The Hague,

The Netherlands