

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07 OA3

Date: 18 April 2008

THE APPEALS CHAMBER

Before: Judge Erkki Kourula, Presiding Judge
Judge Philippe Kirsch
Judge Georgios M. Pikis
Judge Navi Pillay
Judge Sang-Hyun Song

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI**

Public Document

**Prosecution's Submission of Additional Authority Regarding Defence Appeal
against "Decision on the Defence Request Concerning Languages"**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence of Germain Katanga

Mr David Hooper
Mr Göran Sluiter

Counsel for the Defence of Mathieu Ngudjolo Chui

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Ms Maryse Alié

Legal Representatives of Victims

Legal Representatives of 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

Others

1. On 21 December 2007, the Single Judge rendered the "Decision on the Defence Request Concerning Languages" ("the Decision"),¹ in which she found that Mr KATANGA's competency in French meets the standards of Articles 67(l)(a) and (f) of the Statute.²
2. On 27 December 2007, the Appellant sought leave to appeal the Decision,³ which the Prosecution did not oppose.⁴
3. On 18 January 2008, the Single Judge granted leave to appeal the issue of whether the Decision "incorrectly found that Mr. Katanga's competency in French meets the standards of articles 67(l)(a) and (f) of the Statute".⁵
4. On 31 January 2008, the Defence filed its document in support of appeal,⁶ which raised two errors:
 - a. a legal error, regarding the interpretation of the standard in the Statute for the level of competency in French required of Mr KATANGA; and
 - b. a factual error, regarding the assessment of the Single Judge that Mr KATANGA meets that standard.
5. The Prosecution filed its response to the document in support of appeal on 14 February 2008.⁷
6. After the filing of all submissions by both parties, the Appeals Chamber of the ICTY has issued a decision going to the core issue in this appeal.
7. On 4 April 2008, the Prosecution requested leave to submit this additional authority to the Appeals Chamber.⁸

¹ ICC-01/04-01/07-127.

² ICC-01/04-01/07-127, paras. 32 and 37.

³ ICC-01/04-01/07-130.

⁴ ICC-01/04-01/07-137, 8 January 2008.

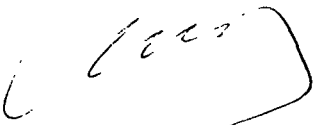
⁵ ICC-01/04-01/07-149.

⁶ ICC-01/04-01/07-175 OA3.

⁷ ICC-01/04-01/07-194 OA3.

⁸ ICC-01/04-01/07-366 OA3.

8. On 16 April 2008, the Appeals Chamber ordered that the Prosecution may file a supplementary list of authorities by 18 April 2008.⁹
9. Pursuant to the Appeals Chamber's Order, the Prosecution hereby files the supplementary list of authorities.¹⁰
10. Given that the decision referred to in the supplementary list of authorities was only recently issued, it is not yet available on the ICTY website. The Prosecution is therefore also filing a copy of the decision referred to in the supplementary list, pursuant to Regulation 23(3).¹¹



Luis Moreno-Ocampo
Prosecutor

Dated this 18th day of April, 2008

At The Hague, The Netherlands

⁹ ICC-01/04-01/07-402 OA3 ("Appeals Chamber's Order").

¹⁰ Annex 1.

¹¹ Annex 2.