

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 June 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge

**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 Response to Proposed Procedure for Leave to Appeal as Suggested
and Discussed in the Hearing of 10 June 2008**

Source: The 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

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Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
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States Representatives

Amicus Curiae

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Registrar

Ms Silvana Arbia

Defence Support Section

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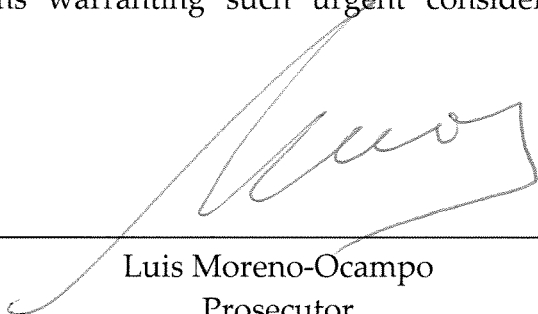
**Victims Participation and Reparations
Section**

Other

The Office of the Prosecutor (the "Prosecution") is amenable to the Single Judge's proposal,¹ which it recognises would allow the parties to focus their resources on the preparation for the confirmation hearing to the greatest extent possible.

However, the Prosecution submits that there may be rare instances in which an issue would cause irreparable prejudice to a party if not remedied prior to the confirmation hearing or decision, and thus could not be meaningfully appealed after the decision on the confirmation of charges has been delivered. Should such an instance arise, then the Prosecution submits that this proposal should not prevent the party, in those limited circumstances, from immediately filing a full application for leave to appeal within the ordinary time limits.

In the present circumstances, such an application would necessarily require urgent consideration, and as such it would be incumbent upon the party to set out in the application the reasons warranting such urgent consideration by the Pre-Trial Chamber.



Luis Moreno-Ocampo
Prosecutor

Dated this 10th day of June 2008

At The Hague, Netherlands

¹ See ICC-01/04-01/07-T-35-ENG-RT, p. 7.