



Original: **English**

No.: **ICC-01/04**
Date: **14 July 2008**

THE APPEALS CHAMBER

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

Public Document

Request for Extension of Time

Source: Office of Public Counsel for the Defence

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo
Ms Fatou Bensouda

Counsel for the Defence

Legal Representatives of Victims

Mr Emmanuel Daoud
Mr Patrick Baoudouin
Mr Joseph Keta
Ms Carine Bapita Buyangandu

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

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States Representatives

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REGISTRY

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Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Procedural History

1. On 30 June 2008, the Honourable Appeals Chamber issued the ‘Decision on Victim Participation in the appeal of the Office of Public Counsel for the Defence against Pre-Trial Chamber I’s Decision of 7 December 2007 and in the appeals of the Prosecutor and the Office of Public Counsel for the Defence against Pre-Trial Chamber I’s Decision of 24 December 2007’,¹ in which the Appeals Chamber granted four groups of alleged victims² the right to file observations concerning the impact of the three appeals concerning victim participation on their personal interests by 8 July 2008.
2. The Appeals Chamber additionally granted each Legal Representative an extension of the page limit from 20 pages to 30 pages, and ordered the Prosecution and the Office of the Public Counsel for the Defence (OPCD) to file their respective responses by 18 July 2008.
3. In accordance with Regulation 35 of the Regulations of the Court, the OPCD hereby respectfully requests an extension of the deadline from 18 July 2008, until the 25 July 2008 (an additional 7 days).

2. Submissions

4. Regulation 35(2) of the Regulations of the Court provides that a Chamber may extend a time limit if good cause is shown. The OPCD respectfully submits that good cause for an extension of the current deadline is demonstrated by the following factors.
5. On 10 June 2008, the Honourable Single Judge in the case of Prosecutor v. Germain Katanga issued an oral order to the effect that if the defence teams of either Mr. Katanga or Mr. Ngudjolo requested the assistance of the OPCD for the purposes of the confirmation hearing, the OPCD was obliged to assign a staff member to assist that particular team for the duration of the confirmation proceedings (from 27 June 2008 until 28 July 2008). The OPCD sought modification of the order on the basis that the terms of the order did not provide the OPCD with the necessary flexibility to respond to its obligations arising from other cases and situations before the ICC.³ This request

¹ ICC-01/04-503

² VPRS 1 to VPRS 6, a/0071/06; a/0105/06; a/0007/06, a/0008/06, a/0022/06 to a/0024/06, a/0026/06, a/0030/06, a/0033/06, a/0040/06, a/0041/06, a/0046/06, a/0072/06, a/0128/06 to a/0141/06, a/0145/06 to a/0147/06, a/0149/06, a/0151/06, a/0152/06, a/0161/06, a/0162/06, a/0209/06; a/0016/06, a/0018/06, a/0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0034/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0148/06, a/0150/06, a/0188/06, a/0199/06 and a/0228/06

³ ‘OPCD report on the implementation of the oral decision dated 10 June 2008’, ICC-01/04-01/07-639, 24 June 2008.

- was rejected,⁴ and the OPCD therefore duly assigned one of its staff members to assist the defence team of Mr. Ngudjolo. According to the terms of the Single Judge's order, this staff member is required to perform any requests for assistance from the Ngudjolo defence team without the benefit of support from other members of the OPCD. As such, it is not feasible for the staff member to independently respond to all requests from the Ngudjolo defence team whilst simultaneously assisting the Office with respect to legal filings arising from other cases and situations.
6. In this regard, on 30 June 2008, the Honourable Single Judge in the DRC situation issued a 'Decision Authorizing the Submission of Observations Pursuant to rule 89(1) of the Rules on Applications a/0332/07, a/0334/07 to a/0337/07, a/0001/08, a/0030/08 and a/0031/08', in which the OPCD was ordered to file observations in relation to the said requests to participate by 18 July 2008, which is the same date as the deadline for filing the OPCD's response to the Legal Representatives' appellate submissions.
 7. On 8 July 2008, the Legal Representatives for the four groups of alleged victims filed four different legal submissions,⁵ which equate to a total of 77 pages, of which 34 are single spaced.
 8. Under the aforementioned circumstances, the OPCD has a real concern that it will not be in a position to complete its observations within the applicable deadline. The OPCD therefore respectfully submits that good cause exists to extend the deadline.

⁴Order to the OPCV and the OPCD to Submit Additional Reports on the Implementation of the 10 June 2008 Decision, 25 June 2008, ICC-01/04-01/07-647.

⁵ 'Observations du BCPV en tant que représentant légal des victimes a/0007/06, a/0008/06, a/0022/06 à a/0024/06, a/0026/06, a/0030/06, a/0033/06, a/0040/06, a/0041/06, a/0046/06, a/0072/06, a/0128/06 à a/0141/06, a/0145/06 à a/0147/06, a/0149/06, a/0151/06, a/0152/06, a/0161/06, a/162/06, et a/0209/06 en réponse aux appels interlocutoires déposés par l'Accusation et le BCPD à l'encontre des décisions des 7 et 24 décembre 2007', ICC-01/04-507; 'Observations des Représentants légaux de a/0071/06, VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 et VPRS 6, suite à l'appel interjeté par le BCPD contre la décision de la Chambre Préliminaire en date du 7 décembre 2007 et aux appels interjetés par le Bureau du Procureur et le BCPD contre la décisions de la Chambre Préliminaire en date du 24 décembre', ICC-01/04-508; 'Participation du Représentant Légal de la Victime a/105/06 à l'appel du Bureau du Conseil Public pour la Défense (BCPD) contre la Décision de la Chambre Préliminaire 1 du 07 décembre 2007 et aux appels du Procureur et du BPCD contre la Décision de la Chambre Préliminaire 1 du 24 décembre 2007', ICC-01/04-510; and 'Observations of the Legal Representative of Victims a/0016/06, a/0018/06, /0021/06, a/0025/06, a/0028/06, a/0031/06, a/0032/06, a/0034/06, a/0042/06, a/0044/06, a/0045/06, a/0142/06, a/0148/06, a/0150/06, a/0188/06, a/0199/06, a/0228/06 in the appeal of the Office of Public Counsel for the Defence against Pre-Trial Chamber I's Decision of 7 December 2007 and in the appeals of the Prosecutor and the Office of Public Counsel for the Defence against Pre-Trial Chamber I's Decision of 24 December 2007' ICC-01/04-509.

3. Relief Sought

9. For the reasons set out above, the OPCD respectfully requests the Honourable Appeals Chamber to grant an extension of the deadline from 18 July 2008, to 25 July 2008.



Xavier-Jean Keïta
Principal Counsel of OPCD

Dated this Monday, 14 July 2008

At The Hague, The Netherlands