



Original: **French**

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

Date: **1 May 2009**

TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Hans-Peter Kaul

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR v. GERMAIN KATANGA and MATHIEU NGUDJOLO CHUI

Public Document

**Order on the Request by the Registry for the Extension of a Time Limit
(regulation 35 of the Regulations of the Court)**

Order 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
 Ms Fatou Bensouda, Deputy Prosecutor
 Mr Éric MacDonald, Senior Trial Lawyer

Counsel for the Defence of Germain

Katanga
 Mr David Hooper
 Mr Andreas O'Shea
 Ms Caroline Buisman

Counsel for the Defence of Mathieu

Ngudjolo Chui
 Mr Jean-Pierre Kilenda Kakengi Basila
 Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Ms Carine Bapita Buyangandu
 Mr Joseph Keta
 Mr Jean-Louis Gilissen
 Mr Hervé Diakiese
 Mr Jean Chrysostome Mulamba
 Nsokoloni
 Mr Fidel Nsita Luvengika
 Mr Vincent Lurquin
 Ms Flora Ambuyu Andjelani

Legal Representatives of the Applicants

The Office of Public Counsel for Victims

Ms Paolina Massida

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Mr Simo Väättäinen

Detention Section

Victims Participation and Reparations Section

Ms Fiona McKay

Other

Trial Chamber II of the International Criminal Court (“the Chamber” and “the Court” respectively), acting pursuant to regulation 35 of the *Regulations of the Court*, orders as follows:

1. On 26 February 2009, the Chamber instructed the Victims Participation and Reparations Section (“VPRS”) to transmit to it by 4 May 2009 at the latest, in accordance with the terms of regulation 86(5) of the *Regulations of the Court*, all new applications for participation, barring exceptional circumstances, which it must justify.¹

2. Further to the procedure laid out in the decision of 26 February 2009, VPRS transmitted to the Chamber several reports containing its proposed redactions. An initial report was transmitted on 3 April 2009,² which deals with 97 applications for participation, including seven applications submitted to Pre-Trial Chamber I on 26 May 2008,³ and supplemented on 2 June 2008,⁴ on which no ruling had been issued. An additional report on an applicant represented by the Office of Public Counsel for Victims was filed on 8 April 2009.⁵

¹ *Decision on the treatment of applications for participation*, 26 February 2009, ICC-01/04-01/07-933-tENG, p. 24.

² Registry, “Filing of proposed redactions on victims’ applications in accordance with decision ICC-01/04-01/07-933”, 3 April 2009, ICC-01/04-01/07-1023-Conf-Exp with confidential, *ex parte* Annexes 1 to 97.

³ Registry, “Transmission de 97 demandes de participation”, 26 May 2008, ICC-01/04-01/07-510-Conf-Exp-Corr with confidential, *ex parte* Annexes 1 to 97.

⁴ Registry, “Report on Victims’ Applications under Regulation 86.5, Regulations of the Court”, 2 June 2008, ICC-01/04-01/07-542-Conf-Exp with confidential, *ex parte* Annexes 1 to 9.

⁵ Registry, “Rapport supplémentaire du Greffe sur le rapport proposant les expurgations des demandes de participation des victimes conformément à la décision ICC-01/04-01/07-933”, 8 April 2009, ICC-01/04-01/07-1048-Conf-Exp with confidential, *ex parte* Annexes 1 to 97.

3. New applications for participation were subsequently received by the Registry, which, on 21 April 2009, submitted to the Chamber new proposed redactions concerning 70 applications.⁶

4. On 28 April 2009, in accordance with regulation 35 of the *Regulations of the Court*, the Registry submitted a request to the Chamber to extend the initial time limit of 4 May 2009 to 8 May 2009 for the registration of 52 applications (“the 52 new applications”)⁷ and to 20 May 2009 for the registration of approximately 50 other applications, which are due to arrive at the seat of the Court on 4 May 2009 (“the latest applications”).⁸

5. Essentially, the Registry points out that a time period of three weeks is necessary for the administrative work required to process 50 applications, to add them to the Registry’s database and to prepare a report.⁹ According to the Registry, a further 10 days is required to identify the proposed redactions.¹⁰

6. In the Chamber’s view, considering the high number of new applications submitted, the date that the applications will actually be received at the seat of the Court and the need to have a minimum amount of time for the proposed redactions to be transmitted to the Chamber, the argument developed in support of this request constitutes the valid grounds required by regulation 35 of the *Regulations of the Court*.

⁶ Registry, “*Deuxième dépôt de propositions d’expurgations des demandes de victimes conformément à la décision ICC-01/04-01/07-933*”, 21 April 2009, ICC-01/04-01/07-1067-Conf-Exp with confidential, *ex parte* Annexes 1 to 70.

⁷ Registry, “*Demande de prorogation de délai concernant deux groupes de demandes de participation de victimes*”, 28 April 2009, ICC-01/04-01/07-1079-Conf-Exp, para. 14.

⁸ *Ibid.*, para. 15.

⁹ *Ibid.*, para. 9.

¹⁰ *Ibid.*, para. 10.

FOR THESE REASONS, THE CHAMBER

GRANTS the Registry's request and

- i) **AUTHORIZES** the Registry to file the 52 new applications by 4 p.m. on 8 May 2009 at the latest; and
- ii) **AUTHORIZES** the Registry to file the latest applications by 4 p.m. on 20 May at the latest.

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

[signed]
Judge Bruno Cotte
Presiding Judge

[signed]
Judge Fatoumata Dembele Diarra

[signed]
Judge Hans-Peter Kaul

Dated this 1 May 2009,

At The Hague, The Netherlands