



Original: **French**

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

Date: **23 March 2009**

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Fumiko Saiga

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

Public redacted version

Order on the Prosecutor's Application for an Extension of Time
(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 Germain Katanga

Mr David Hooper
Mr Andreas O'Shea
Ms Caroline Buisman

Counsel for Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kagengi 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 Massidda

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

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 the following:

1. On 23 January 2009, the Chamber directed the Prosecutor, in the event that in his view one or more items of exculpatory evidence, or of material falling within the terms of rule 77 of the Rules, can only be disclosed to the Defence after first being redacted, to file any requests for redactions by 4.00 p.m. on 16 February 2009.¹

2. On 25 February 2009, at an *ex parte* hearing, the Chamber granted the Prosecutor a further period of three weeks, that is until 23 March 2009, in which to file his requests.²

3. On 20 March 2009, the Prosecutor applied to the Chamber under regulation 35 of the *Regulations of the Court* for a further 15-day extension of the time limit for the filing of requests for redactions in relation to seven witnesses, or of requests for alternative forms of disclosure (“the Application”).³

4. In essence, the Prosecutor submits that the filing of these applications is, in the case of four witnesses, [REDACTED]. He further stresses that two other witnesses [REDACTED]. Lastly, he explains [REDACTED].

5. Having considered the grounds set forth by the Prosecutor, the Chamber finds that the acquisition of the information required for the filing of the requests

¹ *Ordonnance fixant le calendrier de communication des éléments de preuve à charge et à décharge avant le procès et la date d’une conférence de mise en état*, ICC-01/04-01/07-846, 23 January 2009.

² ICC-01/04-01/07-T-60-CONF-EXP-ENG ET, p. 16, lines 9 to 15.

³ Office of the Prosecutor, “*Requête, en application de la norme 35 du Règlement de la Cour, aux fins de prorogation de délai pour le dépôt de demandes d’expurgations d’informations dans certains éléments de preuve relevant de l’article 67-2 ou de la règle 77 ou pour le dépôt de demandes de communications alternatives concernant ces éléments de preuve*”, 23 March 2009, ICC-01/04-01/07-972-Conf-Exp. Due to the TRIM system being unavailable after 4 p.m. on Friday, 20 March 2009, the Court Management Section was unable to handle and notify the Application until Monday, 23 March 2009. However, the Chamber did receive a courtesy copy of it on Friday, 20 March 2009.

does not, in fact, depend on the Prosecutor alone. Hence, the Chamber considers that the Application is justified and that it satisfies the requirements of regulation 35 of the *Regulations of the Court*.

FOR THESE REASONS, THE CHAMBER

ALLOWS the Application and **AUTHORISES** the Prosecutor to file any requests by 4 p.m. on 6 April 2009.

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

[signed]

Judge Bruno Cotte
Presiding Judge

[signed]

Judge Fatoumata Dembele Diarra

[signed]

Judge Fumiko Saiga

Dated this 23 March 2009

At The Hague, The Netherlands