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

Date: 17 June 2010

TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

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

**Public Document
URGENT**

Defence Request for an Extension of Time to Respond to Prosecutor's *Requête aux fins de versement par écrit d'extraits d'éléments de preuve fournis par le témoin P-30*

Source: Defence for Mr Germain Katanga

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, Prosecutor
Mr Eric Macdonald, Senior Trial Lawyer

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Counsel for the Defence for Mathieu Ngudjolo Chui

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Legal Representatives of Victims

Mr Jean-Louis Gilissen
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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

Other

Defence Request

1. The Defence for Germain Katanga (“Defence”) hereby requests an extension of time to respond to the Prosecutor’s *Requête aux fins de versement par écrit d'extraits d'éléments de preuve fournis par le témoin P-30*.¹
2. The Defence were requested to respond to the Motion within ten days and the deadline expires today. The normal deadline to respond to any Motion is 21 days. Given the other matters occupying the Defence ten days has proved inadequate to the task.
3. This Motion includes more than forty annexes including many videos and large volumes of transcripts. The Prosecution seeks to admit, through W-30, excerpts from his statement counting 39 pages and its annexes, as well as 22 excerpts from 3 videos lasting 7 hours in total and their corresponding transcripts and translations counting 280 pages. The 22 selected excerpts selected by the Prosecution contain four hours of video material. All these excerpts must be examined in their context and, thus, the full videos need to be analysed.
4. In respect of most of the documents, the Prosecution has indicated that they are relevant as contextual elements. It is important for the Defence to review carefully the Prosecution’s indications. Substantial time is required to go through this large body of evidence and for the Defence to discuss, as a team, the significant issues that arise and in particular whether it should be admitted through this witness at this time. There are areas of this material that the Defence consider inadmissible. The Defence will produce relevant jurisprudence relevant to particular portions of the material. In the respectful submission of the Defence, this cannot be done within a deadline of ten days.
5. The Defence is preparing for cross-examination of prosecution witnesses, as well as other motions and responses. On an *inter-partes* basis, the Defence is also considering the admissibility of large volumes of evidence the Prosecution seeks to admit as bar table evidence. Simultaneously, the Defence is preparing for its own defence. In addition, the Defence has spent a significant amount of time discussing with the legal representatives their proposed protocol concerning contact of the Defence with victim participants. The Defence has not had the opportunity to consider carefully all the video material and transcripts listed in the annexes of the Prosecutor’s requests.

¹ ICC-01/04-01/07-2161-Conf, Confidentiel avec annexes A à G confidentielles.

6. Therefore, the Defence requests the Chamber to extend the deadline until Wednesday 23rd June. That would enable the Defence to respond adequately.

Respectfully submitted,



David HOOPER Q.C.

Dated this 17th June 2010

At The Hague

The Netherlands