



Original: **English**

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

Date: **10 June 2015**

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding
Judge Olga Herrera Carbuccion
Judge Péter Kovacs

***SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR v. GERMAIN KATANGA***

Public

Urgent Defence Request for an Extension of Time

Source: Defence for Mr Germain Katanga

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

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 Ligue pour la paix, les droits de l'homme
 et la justice
 United Nations
 Queen's University Belfast's Human
 Rights Centre and University of Ulster's
 Transitional Justice Institute
 Redress Trust

Procedural Background

1. Pursuant to the Trial Chamber's *Ordonnance enjoignant les parties et les participants à déposer des observations pour la procédure en réparation*¹ and its *Ordonnance autorisant le dépôt d'observations en application de l'article 75-3 du Statut* of 1st April 2015,² the Legal Representative of Victims,³ the Registry,⁴ the Trust Fund for Victims,⁵ the Prosecution,⁶ the United Nations,⁷ the Queen's University Belfast's Human Rights Centre and University of Ulster's Transitional Justice Institute,⁸ the *Ligue pour la Paix, les Droits de l'Homme et la Justice*,⁹ the Redress Trust¹⁰ and the defence for Mr Katanga ("defence") submitted observations on reparations in May 2015.¹¹
2. The Trial Chamber ordered the parties and participants to respond to these observations by the 12 June 2015.¹²

Applicable law

3. Pursuant to Regulation 35, Variation of time limits, of the Regulations of the Court,
 1. Applications to extend or reduce any time limit as prescribed in these Regulations or as ordered by the Chamber shall be made in writing or orally to the Chamber seized of the matter setting out the grounds on which the variation is sought.
 2. The Chamber may extend or reduce a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard. After the lapse of a time limit, an extension of time may only be granted if the participant seeking the extension can demonstrate that he or she was unable to file the application within the time limit for reasons outside his or her control.

¹ ICC-01/04-01/07-3532, 1 April 2014.

² ICC-01/04-01/07-3533, 1 A April 2014.

³ ICC-01/04-01/07-3555, 15 May 2015.

⁴ ICC-01/04-01/07-3553, 15 May 2015.

⁵ ICC-01/04-01/07-3548, 15 May 2015.

⁶ ICC-01/04-01/07-3544, 15 May 2015.

⁷ ICC-01/04-01/07-3550, 15 May 2015.

⁸ ICC-01/04-01/07-3551, 15 May 2015.

⁹ ICC-01/04-01/07-3552, 15 May 2015.

¹⁰ ICC-01/04-01/07-3554, 15 May 2015.

¹¹ ICC-01/04-01/07-3549, Defence Observations on Reparations.

¹² ICC-01/04-01/07-3541, *Décision relative à la requête du Fonds au profit des victimes aux fins de prorogation du délai fixé pour le dépôt d'observations dans le cadre de la procédure en réparation*, 24 April 2015 ; ICC-01/04-01/07-3542, *Décision relative à la requête des Nations Unies aux fins de prorogation du délai fixé pour le dépôt d'observations dans le cadre de la procédure en réparation*, 24 April 2015.

Discussion

4. The defence respectfully requests an extension of time to submit its consolidated response to the eight filings quoted above, until Monday 15 June at 10.00.
5. Lead counsel has, unforeseeably and at short notice, had to attend a close family member in hospital in West Wales, rendering him unavailable to oversee the drafting during two crucial days, namely today, Wednesday, and Thursday. This disruption in the drafting process makes it difficult for the defence to submit its submissions by this Friday in the manner that the significant submissions to be addressed deserve. The matter is compounded by the particular complexity, length and number of the submissions to which the defence must respond,¹³ as well as their impact on the definition of the scope of Mr Katanga's liability for reparations.
6. Accordingly, the defence requests the Chamber to grant it the weekend to complete its drafting, and to permit it to file this Monday 15 June 2015, 10.00 am. This will enable Lead Counsel to review and contribute to the final draft thoroughly before submission. The defence submits that, in the circumstances described above, this request is reasonable. The extra time requested is short, a weekend, rendering the delay it will cause negligible while important for the defence. In these circumstances, the defence submits that it has shown good cause in the sense of regulation 35 of the Regulations of the Court warranting a short extension of time. The defence has very rarely, in the whole course of this trial, had to request an extension of time.
7. For reasons of equity and fairness, when considering the defence's request for an extension of time, Trial Chamber II may wish to consider extending the deadline for the submission of consolidated responses by parties and participants.¹⁴

¹³ ICC-01/04-01/07-3539, Request by the Board of Directors for extension of time to submit Observations on Reparations Procedure, 22 April 2015, Para. 2.

¹⁴ See ICC-01/04-01/07-3541, *Décision relative à la requête du Fonds au profit des victimes aux fins de prorogation du délai fixé pour le dépôt d'observations dans le cadre de la procédure en réparation*, 24 April 2015, para. 4 ; ICC-01/04-01/07-3542-Red, *Décision relative à la requête des Nations Unies aux fins de prorogation du délai fixé pour le dépôt d'observations dans le cadre de la procédure en réparation*, 24 April 2015, para. 4.

8. For the forgoing reasons, pursuant to Regulation 35 of the Regulations of the Court, the defence respectfully requests the Trial Chamber to extend the deadline for submitting consolidated observations in response to the observations on reparation proceedings until 15 June 2015 at 10.00.

Respectfully submitted,



David Hooper Q.C.

Dated this 10 June 2015,
London.