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No.: ICC-01/04-01/07
Date: **10 September 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

**Defence Consolidated Response to the Legal Representative of Victims and the
Registry's Requests for an extension of time limit**

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

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REGISTRY

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Victims Participation and Reparations

Section

Ms Fiona McKay

1. On 8 May 2015, the Trial Chamber issued its *Décision sur la demande de clarification concernant la mise en œuvre de la Règle 94 du Règlement de procédure et de preuve et étapes ultérieures de la procédure*,¹ by which it ordered the Legal Representative of Victims and the Registry to file consolidated victim reparation forms, for both victims already admitted to participate in the proceedings and new applicants, by the 1st October 2015.
2. On 7 September 2015, the Legal Representative of Victims submitted the *Demande en prorogation du délai fixé par la décision ICC-01/04-01/07-3546 pour le dépôt et la transmission des demandes en réparation*, by which he requested an extension of this deadline until mid-December 2015.²
3. The same day, the Registry filed the *Demande de prorogation du délai relatif à la transmission des demandes en réparation en application de la norme 35 du Règlement de la Cour*, by which it requested an extension of this deadline until the 1st December 2015.³
4. The Defence for Mr Katanga (“the defence”) wishes to express its concern regarding these requests, given the history of proceedings to date and the late stage of the proceedings.
5. Mr Katanga is entitled to a trial within a reasonable time, which includes the reparation decision. Mr Katanga will not be fully informed of the consequences of his case until he knows the extent of the reparation order made against him. The proceedings should therefore be as expeditious as possible, in accordance with Articles 64(2) and 67(1)(c) of the Rome Statute.
6. The first victim applications were registered in the case, and the first Legal Representatives of Victims appointed, in 2008. The following seven years have provided more than ample opportunity for victims to be identified, to be admitted to

¹ ICC-01/04-01/07-3546.

² ICC-01/04-01/07-3586.

³ ICC-01/04-01/07-3587.

participate in the proceedings and for the necessary evidence in support of their claims to be gathered. It is probable that such evidence is more likely to be reliable when obtained closer to the time that the events took place. The reparation proceedings should not be hampered by undue delay.

7. In addition, the defence understands from its recent meetings in Ituri that victims do not understand why the proceedings are taking so long and expressed a wish for the issue of reparations to be decided as soon as possible. This is a matter of fairness to the victims. This was raised by the inhabitants of Bogoro themselves when met by the defence.
8. The defence respectfully invites the Trial Chamber to maintain short deadlines on the issue of reparation so as to expedite the case.



David Hooper Q.C.

Dated this 10 September 2015,
London.