

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: French

No.: ICC-01/04-01/07
Date: 15 February 2012

TRIAL CHAMBER II

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

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

Public Document

**Decision on the request for an extension of the time limit for the submission of
written conclusions by the Common Legal Representative of the main group of
victims**

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

Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mr Éric MacDonald, Senior Trial Lawyer

Counsel for Germain Katanga

Mr David Hooper
Mr Andreas O'Shea

Counsel for Mathieu Ngudjolo Chui

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

Legal Representatives of Victims

Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

STIC

TRIAL CHAMBER II of the International Criminal Court (“the Chamber” and “the Court”, respectively), acting pursuant to article 64 of the Rome Statute and regulation 35 of the Regulations of the Court, issues the following decision.

NOTING the decision of 13 December 2011 on the application by the Defence for Mathieu Ngudjolo Chui for a complete review of the transcripts of his evidence;

NOTING the order of 15 December 2011 determining the manner in which written and oral conclusions were to be presented;

NOTING the decision of 14 February 2012 amending the manner in which written conclusions were to be presented;

NOTING the request to extend the time limit, submitted on 14 February 2012 by the Legal Representative of the main group of victims (“the Legal Representative”);

NOTING the response made by the Defence for Mathieu Ngudjolo, in an e-mail sent on 15 February 2012, in which, while not objecting to this request, the Defence asked to be given an extension of equal duration in the event that the request were granted;

CONSIDERING that, in support of his request to extend to 29 February 2012 the time limit for the submission of written conclusions, the Legal Representative invoked the following:

- the late disclosure by the Registry of the revised transcripts of Mathieu Ngudjolo’s evidence;
- the nature and extent of his task and the lack of human and logistical resources at his disposal;

CONSIDERING that none of the circumstances invoked by the Legal Representative constituted a new factor that had not been taken into account by the Chamber when it set the time limit for the submission of the Legal Representative’s document and that, in particular:

- the revised transcripts of Mathieu Ngudjolo’s evidence were disclosed between 19 January and 6 February 2012, i.e., seven days before the time limit set by the Chamber in its decision of 13 December 2011;
- neither the nature and extent of the Legal Representative’s task nor the means at his disposal have changed since 15 December 2011, the date on which the Chamber set the initial time limit for the submission of the Legal Representative’s written conclusions;

CONSIDERING, therefore, that the Legal Representative has not shown good cause, within the meaning of regulation 35 of the Regulations of the Court, justifying an extension of the time limit set by the Chamber;

CONSIDERING, in addition, that written conclusions are not the only means by which the Legal Representative can express the views and concerns of the victims whom he represents in this case as he may also make additional observations when he presents his oral conclusions;

DISMISSES the Legal Representative’s request.

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

[signed]

Judge Bruno Cotte
Presiding Judge

[signed]

Judge Fatoumata Dembele Diarra

[signed]

Judge Christine Van den Wyngaert

Dated this 15 February 2012

At The Hague, the Netherlands