

ANNEXE A

From: De Smet, Simon
Sent: 23 November 2012 14:52
To: Menegon, Sophie
Cc: Schoeters, Sandra; Garcia, Lucio; Luping, Dianne; Dutertre, Gilles; Macdonald, Eric; Oumaj, Jasmine; Assathiany, Daredjane; Catani, Lucia; Godart, Stephanie; Seroussi, Julien; Saracco, Marianne
Subject: RE: Request regarding the decision 3319

Dear Ms Menegon,

The Trial Chamber has asked me to forward the following message to you.

Sincerely yours,

Simon De Smet

By e-mail of 22 November 2012 (13:37), the Defence for Germain Katanga requested an English translation of Decision No. 3319 of 21 November 2012 on the implementation of regulation 55 of the Regulations of the Court and severing the charges against the accused persons, and a French translation of Judge Van den Wyngaert's dissenting opinion. It also requested an extension of the time limit for appeal under rule 155(1) of the Regulations of the Court ("the Regulations").

Due to the urgency of the matter (since the time limit for appeal is 27 November 2012), the Chamber hereby provides its response by e-mail, a copy of which is provided to the parties and participants concerned and will subsequently be filed in the record of the case.

Pursuant to regulation 55(3)(a) of the Regulations of the Court, the Chamber will ensure that the Accused, Germain Katanga, shall have adequate time and facilities for the effective preparation of his defence in accordance with article 67(1)(b) of the Statute.

However, the Registry has just informed the Chamber that in all likelihood it will be unable to provide a translation of the aforementioned decision and the dissenting opinion by 14 December 2012. Consequently, the Chamber concurs that the Defence for Germain Katanga will be unable to lodge a fully informed application for leave to appeal providing grounds by the time limit set in rule 155(1).

Given the highly specific circumstances, the Chamber considers that the full and free exercise of the rights of the Defence must take precedence. The Chamber is therefore of the view that if the Defence for Germain Katanga intends to contest the decision under article 82 of the Statute, it must file its appeal within the five-day time period. The grounds of appeal must be filed within three days of notification of the translation of the aforementioned decision.

Turning lastly to the question put at the end of the aforementioned e-mail, the Chamber hereby confirms that as a result of the severance of charges ordered on 21 November 2012, the Defence for Germain Katanga need not attend the hearing of 18 December 2012 during which the decision concerning Mathieu Ngudjolo will be issued.

—Original Message—

From: Menegon, Sophie [mailto:smenegon]

Sent: 22 November 2012 13:37

To: Assathiany, Daredjane; De Smet, Simon; Catani, Lucia; Godart, Stephanie; Seroussi, Julien; Saracco, Marianne

Cc: Schoeters, Sandra; Garcia, Lucio; Luping, Dianne; Dutertre, Gilles; Macdonald, Eric;

Toumaj, Jasmine

RE: Request regarding the decision 3319

À l'attention de la Chambre de première instance,

Veuillez trouver ci-dessous un message de M. Hooper:

À l'attention de la Chambre de première instance,

Hier soir, j'ai reçu la décision relative à la norme 55. Il s'agit manifestement d'une décision très importante et je peux d'ores et déjà dire que, très probablement, la Défense demandera l'autorisation d'interjeter appel de celle-ci. Dans des circonstances normales, l'appel devrait être interjeté au plus tard mardi. Cependant, je ne dispose pas de la traduction en anglais de la décision de la majorité, et M. Katanga n'a pas encore la traduction en français de l'opinion dissidente. J'espère que ces deux traductions pourront être réalisées au plus vite. Compte tenu de l'importance de cette décision pour l'affaire, je sollicite une prorogation du délai pour déposer une demande d'autorisation d'interjeter appel – peut-être serait-il plus exact de dire que le délai ne commence à courir que lorsque l'accusé et moi-même recevrons les traductions.

La Chambre sait que la structure de l'équipe a été modifiée. J'ai demandé à la Section d'appui aux conseils de remettre en place l'équipe compte tenu des événements, et j'attends leur décision.

Je suppose qu'il ne sera pas nécessaire que moi-même ou des membres de mon équipe assistions à l'audience du 18 décembre.

Sincères salutations,

David Hooper

Bien à vous,

Sophie

Sophie MENEGON

Chargé de la gestion des dossiers – équipe de la Défense de Germain Katanga

"This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message all copies hereof."