

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07 (OA2)

Date: 21 December 2007

THE APPEALS CHAMBER

Before: Judge Philippe Kirsch, Presiding Judge
Judge Georghios M. Pikis
Judge Navanethem Pillay
Judge Sang-Hyun Song
Judge Erkki Kourula

Registrar: Mr. Bruno Cathala

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

**Public document
URGENT**

Decision on the “Defence Application for Extension of Time to File Document in Support of Appeal”

The Office of the Prosecutor

Mr. Luis Moreno-Ocampo, Prosecutor
Mrs. Fatou Bensouda, Deputy Prosecutor
Mr. Fabricio Guariglia, Senior Appeals Counsel
Mr. Eric Macdonald, Trial Lawyer

Counsel for the Defence

Mr. David Hooper
Ms. Caroline Buisman

The Appeals Chamber of the International Criminal Court,

In the appeal of the Defence pursuant to the decision of Pre-Trial Chamber I of 19 December 2007, entitled “Decision on the Defence Motion for Leave to Appeal the First Decision on Redactions” (ICC-01/04-01/07-116), against the decision entitled “First Decision on the Prosecution Request for Authorisation to Redact Witness Statements” (public redacted version dated 7 December 2007, ICC-01/04-01/07-90),

Having before it the “Defence Application for Extension of Time to File Document in Support of Appeal” (ICC-01/04-01/07-117)

Renders unanimously the following

DECISION

The Defence’s document in support of the appeal may be filed by 4 p.m. on Wednesday 2 January 2008 at the latest.

The Prosecutor’s response to the Defence’s document in support of the appeal may be filed by 4 p.m. on Monday 14 January 2008 at the latest.

REASONS

1. On 20 December 2007, the Defence filed the “Defence Application for Extension of Time to File Document in Support of Appeal” (ICC-01/04-01/07-117; hereinafter: “Defence’s Application”). The Defence thereby requested the Appeals Chamber to grant an extension of time for the submission of the document in support of its appeal until 2 January 2008.

2. The Defence submitted that the appeal was significant and required careful consideration and analysis. The Defence pointed out that the work schedule of members of the Defence team would be limited during the prescribed time limit, as it included Christmas and New Year. The Defence referred to the Decision of the Appeals Chamber


of 18 December 2007 (ICC-01/04-01/07-115), which took this factor into account in granting the Prosecutor an extension of the time limit in relation to its appeal of the same Decision of the Pre-Trial Chamber. The Defence argued in addition that the time limit should be extended because the issue on appeal was linked to the issues in the appeal of the Prosecutor and that therefore both parties should file their documents in support of the appeal on the same day, namely 2 January 2008.

3. Following its receipt of the Defence's Application, the Appeals Chamber issued an order pursuant to which the Prosecutor could respond to the Defence's Application by 10 a.m. on 21 December 2007 (ICC-01/04-01/07-119).

4. On 21 December 2007, the Prosecutor filed the "Prosecution's Response to Defence Application for Extension of Time to File Document in Support of Appeal" (ICC-01/04-01/07-120). The Prosecutor did not oppose the Defence's Application.

5. Pursuant to regulation 35 (2), first sentence, of the Regulations of the Court, a Chamber may extend time if good cause is shown. What amounts to good cause has been addressed in a previous Decision of the Appeals Chamber (ICC-01/04-01/06-834). In the circumstances of the present case, the Appeals Chamber considers that good cause exists to extend the time limit for the filing of the Defence's document in support of the appeal. The Appeals Chamber applies similar reasoning to that which it expressed, in similar circumstances, in its recent "Decision on the 'Prosecution's Urgent Application for Extension of Time to File Document in Support of Appeal'" of 18 December 2007 (ICC-01/04-01/07-115). The forthcoming week (commencing 24 December 2007) is unusual in that, over and above the fact that it falls during the three week Court recess, it comprises two public holidays and special days of leave. On that basis, the Appeals Chamber regards it as appropriate to extend the prescribed time limit to take those factors into account. As such, the Appeals Chamber grants the Defence's Application.

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



Judge Georghios M. Pikis
For the Presiding Judge

Dated this 21st day of December 2007

At The Hague, The Netherlands