



Original: **French**

No.: **ICC-01/04-01/07**
Date: **14 January 2009**

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Fumiko Saiga

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

Public Document

**Order on the Request by the Registry for the Extension of a Time Limit
(regulation 35 of the Regulations of the Court)**

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
 Ms Fatou Bensouda, Deputy Prosecutor
 Mr Éric MacDonald, Senior Trial Lawyer

Counsel for the Defence of Germain

Katanga
 Mr David Hooper
 Ms Caroline Buisman

Counsel for the Defence of Mathieu

Ngudjolo Chui
 Mr Jean-Pierre Kilenda Kagengi Basila
 Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Ms Carine Bapita Buyangandu
 Mr Joseph Keta
 Mr Jean-Louis Gilissen
 Mr Hervé Diakiese
 Mr Jean Chrysostome Mulamba
 Nsokoloni

Legal Representatives of the Applicants

**The Office of Public Counsel for
 Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
 Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Mr Simo Vaatainen

Detention Section

**Victims Participation and Reparations
 Section**

Ms Fiona McKay

Other

Trial Chamber II of the International Criminal Court (respectively, “the Chamber” and “the Court”), acting pursuant to regulation 35 of the *Regulations of the Court*, orders as follows:

1. On 10 December 2008 the Chamber ordered the Registry to present by 12 January 2009 written submissions enumerating the issues¹ on which it sought guidance from the Chamber, as already summarized by it in its report of 24 November 2008² and at the status conference held on 27 and 28 November 2008.³ The issues in question are the following: (1) witness familiarization; (2) in-court assistance; (3) contact with witnesses of other parties; (4) dual victim/witness status; (5) witness testimony; (6) live broadcast of audiovisual recordings; (7) use of visual aids; (8) Lingala interpretation; (9) schedule of hearings.⁴

2. In its report of 12 January 2009 the Registry addressed the following three issues only: broadcast of audiovisual recordings, use of visual aids, schedule of hearings. At the same time, it requested an extension of the time limit set by the Chamber for the remaining issues, namely: witness familiarization, in-court assistance, contact with witnesses of other parties and dual victim/witness status (“the Request”).⁵

3. The Registry submits that its Request is justified by the “numerous pending deadlines”,⁶ of which it gives particulars in an additional report dated 13 January 2009.⁷ It explains that the Registry department responsible for providing responses

¹ *Order Instructing the Participants and the Registry to File Additional Documents*, 10 December 2008, ICC-01/04-01/07-788, para. 14.

² Response to the questions raised by Trial Chamber II on 13 November 2008 and additional observations, 24 November 2008, ICC-01/04-01/07-765.

³ ICC-01/04-01/07-T-53-ENG ET WT 28-11-2008, p. 29, lines 6-8.

⁴ ICC-01/04-01/07-765, pp. 6-8.

⁵ Report of the Registry concerning the Order of Trial Chamber II Instructing the Participants and the Registry to File Additional Documents, 12 January 2009, ICC-01/04-01/07-82, p. 10.

⁶ *Ibid.*

⁷ Additional Observations on the Report of the Registry concerning the Order of Trial Chamber II Instructing the Participants and the Registry to File Additional Documents, 13 January 2009, ICC-01/04-01/07-825-Conf.

on these issues is currently having to handle, with very short deadlines, a large number of requests from both Trial Chamber I and from the present Chamber. It points out that this particularly heavy workload has come at a time of year when Registry staff numbers are known to be reduced.⁸

4. After considering the reasons put forward by the Registry, the Chamber considers that the Request is properly justified and that it therefore satisfies the requirements set out in regulation 35 of the *Regulations of the Court*.

FOR THESE REASONS, THE CHAMBER

GRANTS the Request;

ORDERS the Registry to submit an additional document on the remaining issues by 4.00 p.m. on 21 January 2009;

ORDERS the Prosecutor, Defence Counsel and the Legal Representatives of the Victims to file their responses on all of the issues, including those already addressed in the report of 12 January 2009, by 4.00 p.m. on 28 January 2009.

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

[signed]

Judge Bruno Cotte

Presiding Judge

[signed]

[signed]

Judge Fatoumata Dembele Diarra

Judge Fumiko Saiga

Dated this 14 January 2009

At The Hague, The Netherlands

⁸ Ibid., p. 5.