



Original: **French**

No.: **ICC-01/04-01/07**
Date: **5 February 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 Directing Germain Katanga's Defence Counsel to Provide Further
Particulars regarding the Duration of his Investigations (regulation 28 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,
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
Mr Fidel Nsita Luvengika
Mr Vincent Lurquin
Ms Flora Ambuyu Andjelani

Legal Representatives of the Applicants

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber II of the International Criminal Court (respectively, “the Chamber” and “the Court”), acting pursuant to article 64 of the Rome Statute, to rule 132(2) of the *Rules of Procedure and Evidence* and to regulation 28 of the *Regulations of the Court*, orders as follows:

1. In its Order of 13 November 2008 the Chamber asked Defence Counsel whether they intended to carry out investigations on the territory of the Democratic Republic of the Congo and, if so, when these would begin and how long they would last.¹ It also asked the Prosecutor and the Defence if they could name the date when they would be ready for commencement of the hearing on the merits.²

2. In his response Counsel for Germain Katanga stated that he planned to conduct investigations in Ituri from 4 to 15 December 2008, in Kinshasa from 15 to 25 January 2009, again in Ituri from 16 to 28 February 2009, in Kinshasa from 23 to 29 March 2009, then in Ituri from 20 April to 3 May 2009. He further stated that the two Defence teams and the Prosecutor had met together and that, if there were no unforeseen difficulties, the trial could open on 8 June 2009.³

4. At the status conference of 3 February 2009, Defence Counsel for Germain Katanga stated that his investigations had been delayed, and that he needed six months to prepare, with effect from the Prosecutor’s final disclosure of incriminatory and exculpatory evidence.

5. In order to be in a position, fully informed, to set a date for the trial and to ensure that the proceedings are conducted in a fair and expeditious manner, the Chamber wishes to be provided as soon as possible with further particulars of the reasons justifying such a time-frame.

¹ *Order Instructing the Participants and the Registry to Respond to Questions of Trial Chamber II for the Purpose of the Status Conference (article 64(3)(a) of the Statute)*, 13 November 2008, ICC-01/04-01/07-747-tENG, para. 10, q. 2.

² *Ibid.*, para. 11, q. 1.

³ Defence for Germain Katanga, “Defence Response to the order dated 13 November 2008”, 24 November 2008, ICC-01/04-01/07-763, pp. 3 and 5.

FOR THESE REASONS, THE CHAMBER:

DIRECTS Counsel for the Defence of Germain Katanga to file his response by 4.00 p.m. on 9 February 2009.

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

[signed]

Judge Bruno Cotte

Presiding Judge

[signed]

Judge Fatoumata Dembele Diarra

[signed]

Judge Fumiko Saiga

Dated this 5 February 2009

At The Hague (The Netherlands)