



Original: **French**

No.: **ICC-01/04-01/07**
Date: **12 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 Convening an *ex parte* Status Conference confined to Defence Counsel for
Germain Katanga (regulation 30 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
Mr Fidel Nsita Luvengika
Mr Vincent Lurquin
Ms Flora Ambuyu Andjelani

Legal Representatives of the Applicants

Non-represented Victims

**Non-represented Applicants
(Participation/Reparations)**

**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

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber II of the International Criminal Court (“the Chamber”), acting pursuant to regulation 30 of the *Regulations of the Court*, orders the following:

1. On 5 February 2009 the Chamber directed Counsel for the Defence of Germain Katanga to explain why he required six months to prepare an effective defence of the accused,¹ whereas he had previously indicated that the trial could open on 8 June 2009.² In his response, filed *ex parte* on 9 February 2009 and available only to the Defence for Germain Katanga, the latter’s Counsel set out a number of reasons which, in his view, justified the extended time-frame.

2. Before finally setting the date for the opening of the trial, the Chamber considers it necessary to discuss with Counsel the reasons invoked by him. Given that Counsel puts forward reasons relating to the difficulties he faces in the Democratic Republic of the Congo and to problems in the organisation and effective conduct of his investigations, the Chamber considers it necessary to convene an *ex parte* hearing confined to Counsel for the Defence of Germain Katanga. In view of the availability of courtrooms, the only possible date for this hearing is the morning of Monday, 23 February 2009.

¹ *Ordonnance enjoignant au conseil de la Défense de Germain Katanga de fournir des détails supplémentaires sur la durée des enquêtes (norme 28 du Règlement de la Cour)*, 5 February 2009, ICC-01/04-01/07-872.

² 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:

CONVENES an *ex parte* hearing, confined to Counsel for the Defence of Germain Katanga, for 23 February 2009 at 9.30 a.m.

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 12 February 2009

At The Hague, The Netherlands