

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

No.: **ICC-01/04-01/07**
Date: **17 January 2013**

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

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

Public document

**Decision setting the time limits for filing the submissions invited in the Decision
on the implementation of regulation 55**

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

Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr Éric MacDonald, Senior Trial Lawyer

Counsel for the Defence

Mr David Hooper

Mr Andreas O'Shea

Legal Representatives of Victims

Mr Jean-Louis Gillissen

Mr Fidel Nsita Luvengika

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

TRIAL CHAMBER II of the International Criminal Court (“the Chamber” and “the Court”, respectively), acting pursuant to regulation 35(2) of the Regulations of the Court, decides the following.

1. On 21 November 2012, in its *Decision on the implementation of regulation 55 of the Regulations of the Court and severing the charges against the accused persons* (“Decision on the Implementation of Regulation 55”),¹ the Chamber, *inter alia*, informed the parties and the participants that the mode of liability under which Germain Katanga stands charged could be subject to legal recharacterisation on the basis of article 25(3)(d) of the Statute. It further invited the Office of the Prosecutor (“the Prosecutor”) and the Legal Representatives of Victims to file submissions on this point no later than 15 January 2013 at 4 pm. It also invited the Defence to file its submissions no later than 21 January 2013 at 4 pm.
2. On 28 December 2012, the Chamber granted the Defence for Germain Katanga authorisation to appeal the Decision on the Implementation of Regulation 55.²
3. At the request of the Prosecutor³ and the Legal Representatives of Victims⁴, on 11 January 2013, the Chamber granted an extension of time to file

¹ *Decision on the implementation of regulation 55 of the Regulations of the Court and severing the charges against the accused persons*, 21 November 2012, ICC-01/04-01/07-3319-tENG/FRA.

² *Decision on the “Defence Request for Leave to Appeal the Decision 3319”*, 28 December 2012, ICC-01/04-01/07-3327.

³ Office of the Prosecutor, “*Requête de l’Accusation sur la base de la norme 35 du Règlement de la Cour aux fins de prorogation de délai pour soumettre ses observations sur la requalification juridique sur le fondement de l’article 25-3-d du Statut*”, 8 January 2013, ICC-01/04-01/07-3331.

⁴ Common legal representative of the main group of victims, “*Observations du représentant légal sur la demande du Procureur aux fins de prorogation de délai pour soumettre ses observations sur la requalification en vertu de l’article 25-3-d du Statut*”, 9 January 2013, ICC-01/04-01/07-3335; legal representative of child soldier victims, “*Observations du représentant légal des victimes enfants soldats sur la «Requête de l’Accusation sur la base de la norme 35 du Règlement de la Cour aux fins de prorogation de délai pour soumettre ses observations sur la requalification juridique sur le fondement de l’article 25-3-d du Statut» (ICC-01/04-01/07-3331)*”, 10 January 2013, ICC-01/04-01/07-3338.

the submissions requested in the Decision on the implementation of regulation 55 and invited them to file their submissions no later than 22 January 2013 at 12:00. It also invited the Defence to file its own submissions no later than midday on 29 January 2013.⁵

4. On 16 January 2013, the Appeals Chamber granted suspensive relief to the Defence for Germain Katanga pending judgment on the appeal against the Decision on the Implementation of Regulation 55.⁶

5. Having perused the Appeals Chamber's decision, the Chamber notes that the time limits set for the parties and participants to file their submissions on a possible recharacterisation have therefore been suspended. Subject of course to the Appeal Chamber's position in respect of the merits of this appeal, the Chamber wishes to inform the parties and participants forthwith that, upon being notified of the Appeal Chamber's ruling, the Prosecutor and the Legal Representatives of Victims will be afforded seven days and the Defence for Germain Katanga fourteen days to respond.

⁵ *Decision on the Prosecutor's application for an extension of time to file submissions on the legal recharacterisation pursuant to article 25(3)(d) of the Statute*, 11 January 2013, ICC-01/04-01/07-3340-tENG.

⁶ Appeals Chamber, *Decision on the request for suspensive effect of the appeal against Trial Chamber II's decision on the implementation of regulation 55 of the Regulations of the Court*, 16 January 2013, ICC-01/04-01/07-3344.

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

[signed]

Judge Bruno Cotte
Presiding Judge

[signed]

Judge Fatoumata Dembele Diarra

[signed]

Judge Christine Van den Wyngaert

Dated this 17 January 2013

At The Hague, The Netherlands