

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04 OA4 OA5 OA6

Date: 16 July 2008

THE APPEALS CHAMBER

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

Decision on the Request of the Office of Public Counsel for an extension of time



Decision/Order/Judgment 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

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

Mr Xavier-Jean Keïta

Legal Representatives of the Victims

Emmanuel Daoud
Patrick Baudouin
Carine Bapita Buyangandu
Joseph Keta

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda, Principal Counsel

REGISTRY

Registrar

Ms Silvana Arbia



The Appeals Chamber of the International Criminal Court,

In the appeal of the Office of Public Counsel for the Defence (hereinafter: “OPCD”) against the decision of the Single Judge of Pre-Trial Chamber I entitled “Decision on the Requests of the OPCD on the Production of Relevant Supporting Documentation Pursuant to Regulation 86 (2) (e) of the Regulations of the Court and on the Disclosure of Exculpatory Materials by the Prosecutor” of 7 December 2007 (ICC-01/04-417) (hereinafter: “Decision of 7 December 2007”), and

In the appeals of the Prosecutor and the OPCD against the decision of the Single Judge of Pre-Trial Chamber I entitled “Décision sur les demandes de participation a la procédure déposées dans le cadre de l’enquête en République démocratique du Congo par a/0004/06 á a/0009/06, a/0016/06 á a/0063/06, a/0071/06 á a/0080/06 et a/0105/06 á a/0105/06 á a/0110/06, a/0188/06, a/0128/06 á a/0162/06, a/0199/06, a/0203/06, a/0209/06, a/0214/06, a/0220/06 á a/0222/06, a/0224/06, a/0227/06 á a/0230/06, a/0234/06 á a/236/06, a/0240/06, a/0225/06, a/0226/06, a/0231/06 á a/0233/06, a/0237/06 á a/0239/06 á a/0241/06 á a/0250/06”¹ of 24 December 2007 (ICC-01/04-423) (hereinafter: “Decision of 24 December 2007”),

Having before it the OPCD’s “Request for an extension of time” of 14 July 2008 (ICC-01/04-515),

Renders the following

DECISION

The time for the filing of the response of the OPCD to the views and concerns of the victims participating in these appeals is extended to 25 July 2008.

¹ On 31 January 2008, the Single Judge issued a corrigendum to this decision (ICC-01/04-423-Corr-tENG).



REASONS

1. On 30 June 2008, the Appeals Chamber rendered its “Decision on Victim Participation in the appeal of the Office of Public Counsel for the Defence against Pre-Trial Chamber I’s Decision of 7 December 2007 and in the appeals of the Prosecutor and the Office of Public Counsel for the Defence against Pre-Trial Chamber I’s Decision of 24 December 2007”². In that decision the Appeals Chamber granted sixty victims the right to participate in the appeals for the purpose of presenting their views and concerns regarding their personal interests in the issues raised on appeal and authorised the Prosecutor and the OPCD to file their responses to the submissions of the victims by 18 July 2008.
2. On 14 July 2008, the OPCD requested an extension of time until 25 July 2008 to file its response to the victims’ submissions. In support of its application, the OPCD submit that pursuant to an oral order by the Single Judge of Pre-Trial Chamber I, the OPCD had to assign a staff member to assist the defence team of Mr Ngudjolo for the duration of the confirmation hearing.³ Additionally, the OPCD have been directed by Pre-Trial Chamber I to file observations with regard to several victims’ applications by 18 July 2008 which is the same date as the deadline stipulated for the response of the OPCD to the victims appellate submissions.⁴ Lastly, the OPCD submit that in these circumstances and given that “four groups of alleged victims filed four different legal submissions” to which it would have to respond, the OPCD “has a real concern that it will not be in a position to complete its observations within the applicable deadline.”⁵
3. On 15 July 2008, pursuant to the “Directions of the Appeals Chamber to the Prosecutor on the request of the OPCD for an extension of time”⁶, the Prosecutor filed the “Prosecution’s Response to OPCD’s Request for an Extension of Time”⁷, in which he stated that he did not object to the request for an extension of time.

² ICC-01/04-503.

³ ICC-01/04-515, at paragraph 5.

⁴ Ibid, at paragraph 6.

⁵ Ibid, at paragraph 7 and 8.

⁶ ICC-01/04-516.

⁷ ICC-01/04-517.



4. Regulation 35 (2) of the Regulations of the Court empowers a Chamber to extend the time limit prescribed for the submission of a document if good cause is shown to that end. The Appeals Chamber finds merit in the application for an extension of time and is satisfied that the reasons founding the application demonstrate “good cause”.
5. Accordingly, the time limit for the filing of the OPCD’s response to the submissions of the victims participating in the appeals is extended to 25 July 2008.

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



Judge Georghios Pikis
On behalf of the Presiding Judge

Dated this 16th day of July 2008

At The Hague, The Netherlands