

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/04-01/07

Date: **1st April 2014**

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Cuno Tarfusser
Judge Erkki Kourula
Judge Joyce Aluoch

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

Public

**Defence Second Observations on the Translation and Notification of the Article 74
Decision**

Source: Defence for Mr Germain Katanga

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

The Office of the Prosecutor

Ms Fatouma Bensouda, Prosecutor
Mr Eric Macdonald, Senior Trial Lawyer

Counsel for the Defence for Germain

Katanga
Mr David Hooper Q.C.

Legal Representatives of Victims

Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

REGISTRY

Registrar

Mr Herman von Hebel

1. Further to its filing¹ requesting that notification of the appeal be nominated as the day when lead counsel receives a translation in English of the Article 74 judgement,² and Mr Katanga receives a translation into French of the dissenting opinion, or alternatively that the defence is granted further time to have such translations provided, the defence for Germain Katanga (“defence”) now wishes to provide the following information.
2. Firstly, provision of further resources, to include an associate counsel, was confirmed on Friday 28th March 2014, and associate counsel will be appointed later this week.
3. Secondly, a French translation of the dissenting opinion³ has not been provided to Mr Katanga yet.
4. Thirdly, lead counsel has still to receive a translation of the Article 74 judgement. Counsel is concerned that the decision of the Appeals Chamber has not yet been provided, particularly given the straight-forward nature of the application, provided three weeks ago, and given little time remains before the 30 days period for notice of appeal expires.
5. The defence wishes to further inform the Chamber that it remains the defence’s carefully considered view that it is impossible for it to conduct a review of the Article 74 judgement of the Trial Chamber unless and until a French translation is provided to Lead Counsel who has not, as yet, attempted to read the French version, knowing that it is beyond his capabilities to do so. It is wholly insufficient that some team members speak French as their speaking and understanding French is not an adequate substitute for Lead Counsel understanding the judgement. They cannot convey, to any reasonable and practicable degree, the content of the judgement given its length and complexity.

¹ ICC-01/04-01/07-3440, Defence Application regarding the Translation and Notification of the Article 74 Decision or, alternatively, for an extension of the time limit to file an appeal, 13 March 2014.

² ICC-01/04-01/07-3436, *Jugement rendu en application de l’article 74 du Statut*, 7 March 2014.

³ ICC-01/04-01/07-3436-AnxI, Minority Opinion of Judge Christine Van den Wyngaert, 7 March 2014.

6. The defence respectfully renews its earlier request with a much force as it can and in the hope of a speedy and favourable decision.

Respectfully submitted,



David Hooper Q.C

Dated this 1st April 2014

The Hague