

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/04-02/12 A
Date: 17 November 2014**

THE APPEALS CHAMBER

**Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Cuno Tarfusser
Judge Erkki Kourula
Judge Ekaterina Trendafilova**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF THE PROSECUTOR v. MATHIEU NGUDJOLO CHUI**

Public

Decision on the Registrar's request for an extension of the time limit



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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Mr James Stewart
Mr Fabricio Guariglia

Counsel for Mr Mathieu Ngudjolo Chui
Mr Jean Pierre Kilenda Kakengi Basila
Mr Jean Pierre Fofé Djofia Malewa

Legal Representatives of Victims
Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

REGISTRY

Registrar
Mr Herman von Hebel



The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Trial Chamber II entitled “Judgment pursuant to article 74 of the Statute” of 18 December 2012 (ICC-01/04-02/12-3-tENG),

Having before it the Registrar’s “Request for extension of time limit pursuant to Regulation 35 of the Regulations of the Court for the implementation of the ‘Order on the submission of proposed redactions to certain documents founding the Prosecutor’s third ground of appeal’” of 14 November 2014 (ICC-01/04-02/12-233),

Pursuant to regulation 35 (2) of the Regulations of the Court,

Issues the following

DECISION

The abovementioned application for a three-day extension of the time limit is granted. The Registrar is directed to file the prior requested proposed redactions by 16h00 on Thursday, 20 November 2014.

REASONS

1. On 8 October 2014, the Appeals Chamber reclassified the Prosecutor’s third ground of appeal as public subject to (i) redactions pertaining to witness protective measures and (ii) the maintenance of the confidentiality of the documents founding the third ground of appeal.¹
2. On 6 November 2014, the Appeals Chamber issued the “Order on the submission of proposed redactions to certain documents founding the Prosecutor’s third ground of appeal”² (hereinafter: “Order of 6 November 2014), wherein it ordered the Registrar to provide proposed redactions with sufficient justification for

¹ See “Decision and order in relation to the Prosecutor’s request for reclassification and for lesser redacted versions of the Registry’s monitoring reports”, ICC-01/04-02/12-209 (A).

² ICC-01/04-02/12-232 (A).



each redaction to the filings of the Registry and decisions of Trial Chamber II founding the third ground of appeal by Monday, 17 November 2014.³

3. On 14 November 2014, the Registrar filed the “Request for extension of time limit pursuant to Regulation 35 of the Regulations of the Court for the implementation of the ‘Order on the submission of proposed redactions to certain documents founding the Prosecutor’s third ground of appeal’”⁴ (hereinafter: “Registrar’s Request”) requesting a three-day time extension for the filing of the proposed redactions. In support of this request the Registrar submits that the “technicality of the issues”, the heavy workload of the section of the Registry in charge of the proposed redactions, “the sensitivity of the information” founding the third ground of appeal and “the thoroughness required in proposing pertinent and imperative redactions” merit an extension of the time limit.⁵

4. Regulation 35 (2) of the Regulations of the Court provides that “[t]he Chamber may extend or reduce a time limit if good cause is shown”. In that regard, the Appeals Chamber notes that the provision does not specifically refer to requests by the Registrar for extensions of a time limit set by a Chamber. However, the Appeals Chamber considers that regulation 35 (2) of the Regulations of the Court is formulated broadly and may therefore include such requests.

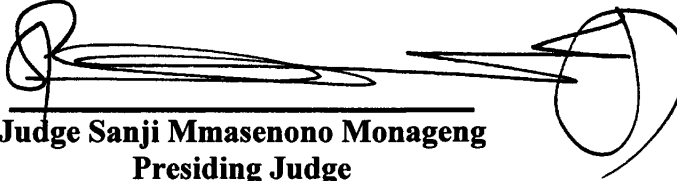
5. As to the merits of the Registrar’s Request, the Appeals Chamber notes the sensitivity of the information founding the third ground of appeal and the need for a thorough review of the documents in order to propose the necessary redactions. Accordingly, the Appeals Chamber accepts that the Registrar has demonstrated good cause for the extension of time and extends the time limit for the Registrar to file the requested proposed redactions with justifications as directed in the Order of 6 November 2014, to 16h00 on Thursday, 20 November 2014.

³ Order of 6 November 2014, para. 4.

⁴ ICC-01/04-02/12-233.

⁵ Registrar’s Request, p. 3.

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



Judge Sanji Mmasenono Monageng
Presiding Judge

Dated this 17th day of November 2014

At The Hague, The Netherlands