

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 June 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Germain Katanga and Mathieu Ngudjolo Chui***

Public Document

Decision on the Request for Leave to Reply

Decision 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
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 Kakengi Basila
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J.L. Gilissen
Mr. Hervé Diakiese
Mr. Jean-Christostome Mulamba
Nsokoloni

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**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

I, Judge Sylvia Steiner, judge at the International Criminal Court (“the Court”);

NOTING the “Defence Motion seeking the Amendment of the Document containing the Charges”¹ (“the Defence for Germain Katanga’s Request”), filed as urgent by the Defence for Germain Katanga on 9 June 2008;

NOTING the “*Requête de la Défense de Monsieur Mathieu Ngudjolo en vue de solliciter la suppression du paragraphe 92 du document relatif à la notification des charges en application de l’Article 61-3-a du Statut*”² (“the Defence for Mathieu Ngudjolo Chui’s Request”), filed by the Defence for Mathieu Ngudjolo Chui on 10 June 2008;

NOTING the “*Requête de la Défense de Mathieu Ngudjolo en vue de faire sienne les points a (à l’exclusion des faits spécifiques à Mr Katanga), b, c, d et e contenus dans la « Defence Motion Seeking the Amendment of the Document containing the Charges » déposée par l’équipe de Défense de Germain Katanga le 9 juin 2008*”³ (“the Defence for Mathieu Ngudjolo Chui’s Submission”), filed by the Defence for Mathieu Ngudjolo Chui on 10 June 2008, whereby the Defence for Mathieu Ngudjolo Chui joined the Defence for Germain Katanga’s Request in relation to points (a), (b), (c), (d) and (e) enumerated and developed therein;

NOTING the “Prosecution’s Consolidated Response to the Defences’ Motions Regarding the Document Containing the Charges”⁴ (“the Prosecution’s Response”) filed by the Prosecution on 13 June 2008, whereby the Prosecution requested the

¹ ICC-01/04-01/07-574 and its Annex

² ICC-01/04-01/07-575-Conf (reclassified as public pursuant to an oral decision rendered on 10 June 2008 - ICC-01/04-01/07-T-35-ENG ET WT10-06-2008, p 4, lines 5-14)

³ ICC-01/04-01/07-577

⁴ ICC-01/04-01/07-590 and its annex

Chamber to dismiss the submitted that Defence for Germain Katanga's Request and the two Defence for Mathieu Ngudjolo Chui's Requests;

NOTING the "*Requête de la Défense de Monsieur Mathieu Ngudjolo afin de répliquer à la réponse consolidée du Procureur relative au document détaillé des charges*"⁵ filed by the Defence for Mathieu Ngudjolo Chui on 17 June 2008 ;

NOTING regulations 24 (5) and 34 of the Regulations of the Court ("the Regulations");

CONSIDERING that, in the view of the Single Judge, the argument raised by the Defence for Mathieu Ngudjolo Chui in its application leads to the conclusion that leave to reply must be granted;

CONSIDERING that the Single Judge is of the view that the Defence for Germain Katanga should also have the opportunity to reply to the response of the Prosecution within the time limit set out in the present decision;

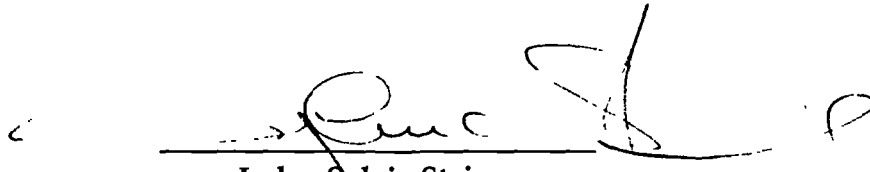
CONSIDERING further that, according to the *chapeau* of regulation 34 of the Regulations, the Single Judge may establish a time-limit other than the 10-day time limit provided for in regulation 34 (c) of the Regulations;

⁵ ICC-01/04-01/07-599

FOR THESE REASONS,

DECIDE to give both Defences for Mathieu Ngudjolo Chui and Germain Katanga until Friday 20 June 2008 at 16h00 to reply to the Prosecution Response;

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



Judge Sylvia Steiner
Single Judge

Dated this Tuesday 17 June 2008

At The Hague, The Netherlands