



Original: **French**

No.: **ICC-01/04**  
Date: **16 June 2006**

**PRE-TRIAL CHAMBER I**

**Before:** Judge Claude Jorda, Presiding Judge  
Judge Akua Kuenyehia  
Judge Sylvia Steiner

**Registrar:** Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**Public Document**

**Decision on Ad hoc Counsel for the Defence's Request for Extension of Time to Respond**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo  
Mrs Fatou Bensouda  
Mr Ekkehard Withopf

**Ad hoc Counsel for the Defence**

Mr Joseph Tshimanga

**Counsel for Applicants a/0001/06 to  
a/0003/06**

Mr Luc Walley  
Mr Franck Mulenda

**PRE-TRIAL CHAMBER I** (the “Chamber”) of the International Criminal Court  
(the “Court”);

**NOTING** the applications to participate in the proceedings a/0001/06 to a/0003/06,  
filed in the record of the situation in the Democratic Republic of the Congo (DRC) on  
9 May 2006<sup>1</sup> (the “applications for participation”);

**NOTING** the decision dated 18 May 2006 by which the Chamber appointed an  
ad hoc counsel for the defence and set time-limits for the Prosecutor and Ad hoc  
Counsel for the Defence to file observations on the applications for participation in  
the investigation into the situation in the DRC;<sup>2</sup>

**NOTING** the redacted versions of the applications for participation, filed in the  
record of the situation in the DRC on 2 June 2006;<sup>3</sup>

**NOTING** the Prosecution’s Observations on the applications for participation, filed  
in the record of the situation in English on 6 June 2006,<sup>4</sup> and in French on  
14 June 2006<sup>5</sup> (the “Prosecution’s Observations”);

**NOTING** the “*Requête aux fins de prorogation du délai de réponse*”, filed in the record of  
the situation in the DRC on 13 June 2006, whereby Ad hoc Counsel for the Defence  
argues that [TRANSLATION] “it is impossible for him to assess the merits of the  
Prosecution’s observations nor to address them in the response to the victims’

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<sup>1</sup> ICC-01/04-144-Conf-Exp-tEN, ICC-01/04-145-Conf-Exp-tEN, ICC-01/04-146-Conf-Exp-tEN.

<sup>2</sup> ICC-01/04-147.

<sup>3</sup> ICC-01/04-148-Conf, ICC-01/04-149-Conf, ICC-01/04-150-Conf.

<sup>4</sup> ICC-01/04-151.

<sup>5</sup> ICC-01/04-151.

application” because he does not speak English<sup>6</sup> and that “Counsel must address submissions made both by victims and the Prosecution”<sup>7</sup>, and hence requests the Chamber [TRANSLATION] “ i) to amend the time-limit set in the decision dated 18 May 2006 to run from the day Counsel for the Defence receives the Prosecution’s Observations in his working language, and ii) to order that all future time-limits concerning the subject run from the day on which Counsel for the Defence receives the relevant documents in his working language”;<sup>8</sup>

**NOTING** articles 50 and 68 of the Rome Statute and regulations 34 and 35 of the *Regulations of the Court*;

**CONSIDERING** that under regulation 35 (2) of the *Regulations of the Court*, the Chamber will only grant a request to extend or reduce a time-limit if good cause is shown;

**CONSIDERING** that the Ad hoc Counsel for the Defence’s working language is French;

**CONSIDERING** that the general interests of the Defence must be protected effectively at the investigation stage of the situation;

**FOR THESE REASONS,**

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<sup>6</sup> ICC-01/04-155, p. 2.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid., pp. 4 & 5.

**DECIDES**, as to the to the filing of his observations concerning the applications for participation, to grant Ad hoc Counsel for the Defence an 8 day time-limit from the date of notification of this decision;

**ORDERS** the Registrar to take all necessary measures to provide Ad hoc Counsel for the Defence with a French translation of any document filed in English in the proceedings concerning applications for participation a/0001/06 to a/0003/06, and that time-limits for Ad hoc Counsel for the Defence to file observations on these documents will only run from the notification of said document in French.

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

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**Judge Claude Jorda**  
**Presiding Judge**

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**Judge Akua Kuenyehia**  
**Title**

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**Judge Sylvia Steiner**  
**Title**

Dated this 16 June 2006

At The Hague (the Netherlands)