

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 23 April 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
URGENT**

**Decision on the Request of the Legal Representative of Victim a/0333/07 for
Leave to Reply the Prosecution and the Defence's Observations on the
Anonymity and Modalities of Participation in the Proceedings**

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
Legal Representatives of the Victims**

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J.L. Gilissen

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, acting
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 “Decision on the Applications for Participation in the Proceedings of Applicants a/0327/07 to a/0337/07 and a/0001/08” (“the Decision on the Applications”)¹ issued by the Single Judge on 2 April 2008, in which the Single Judge *inter alia*:

- i. granted the procedural status of victim at the pre-trial stage of the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* to Applicants a/0327/07, a/0329/07, a/0330/07 a/0331/07 and a/0333/07;
- ii. decided that Applicants a/0327/07, a/0329/07, a/0330/07, a/0331/07 and a/0333/07 shall have until Wednesday 9 April 2008 at 16hOO to (a) to make a request, if they so wish, for the non-disclosure of their identities to the Defences for Germain Katanga and Mathieu Ngudjolo Chui during the pre-trial stage of the present case; and (b) to make their observations on the set of procedural rights that should be attached to the procedural status of victim at the pre-trial stage of the present case; and
- iii. decided that the Prosecution shall have until Monday 14 April 2008, and the Defences for Germain Katanga and Mathieu Ngudjolo Chui until Friday 18 April 2008 to make their respective observations (“the Observations of the parties”) on (a) any request for non-disclosure of identity made by Applicants a/0327/07, a/0329/07, a/0330/07, a/0331/07 and a/0333/07 and (b) the set of procedural rights that should be attached to the procedural status of victim at the pre-trial stage of the present case;

¹ ICC-01/04-01/07-357.

NOTING the "Observations des Représentants légaux de la victime a/0333/07 relatives au maintien de l'anonymat et aux modalités de participation des victimes au stade préliminaire de l'affaire"² filed by the Legal Representative of Victim a/0333/07 on 9 April 2008 and in which the Legal Representative of Victim a/0333/07 requested, *inter alia*, leave to reply the Observations of the parties on the basis that the interests of the victims are affected;

NOTING the "*Soumission du représentant légal des victimes a/0327/07, a/0329/07, a/0330/07 et a/0331/07 sur le mode de participation des victimes à l'audience des confirmations des charges*"³ filed by the Legal Representative of Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07 on 9 April 2008;

NOTING "Prosecution's Observations on the Anonymity and the Modalities of Participation in the Proceedings of Applicants a/0327/07 to a/0337/07"⁴ filed by the Prosecution on 14 April 2008;

NOTING "*Requête sollicitant la prorogation des délais conformément à la Norme 35 du Règlement de la Cour pour permettre à la Défense de répondre aux observations des Représentants légaux des victimes a/0333/07 a/0327/07, a/0329/07, a/0330/07 et a/0331/07 relatives au maintien de l'anonymat et aux modalités de participation des victimes au stade préliminaire de l'affaire*"⁵ filed by the Defence for Mathieu Ngudjolo Chui on 15 April 2008 ;

² ICC-01/04-01/07-383.

³ ICC-01/04-01/07-385

⁴ ICC-01/04-01/07-392

⁵ ICC-01/04-01/07-396

NOTING the “Decision on the Defence Request for extension of Time”⁶ issued by the Single Judge on 16 April 2008 and by which the Single Judge granted the request of the Defence for Mathieu Ngudjolo Chui and decided that both Defences for Mathieu Ngudjolo and Germain Katanga shall have until Wednesday 23 April 2008 to file their observations pursuant to the Decision on the Applications;

NOTING the “Defence's Observations on the Modalities of Participation of Victims”⁷ filed by the Defence for Germain Katanga on 16 April 2008;

NOTING the “*Observations de la Défense de Mathieu Ngudjolo sur le mode de participation des victimes durant la phase préliminaire du procès pénal*”⁸ filed by the Defence for Mathieu Ngudjolo Chui on 23 April 2008;

NOTING article 68 (3) of the Rome Statute, rule 89 of the Rules of Procedure and Evidence and regulations 24 and 34 of the Regulations of the Court (“the Regulations”);

CONSIDERING that the Observations of the parties referred to the specific set of procedural rights attached to the procedural status of victim at the pre-trial stage of the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*;

CONSIDERING therefore, that the Single Judge is of the view that, pursuant to regulation 24 (5) of the Regulations, the Legal Representative of Victim a/0333/07 may file a reply to the Observations of the parties;

⁶ ICC-01/04-01/07-399.

⁷ ICC-01/04-01/07-400.

⁸ ICC-01/04-01/07-433.

CONSIDERING that in the view of the Single Judge, the Legal Representative of Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07 may also benefit from this leave to reply to the Observations of the parties;

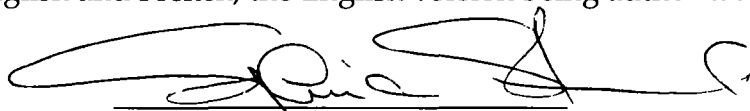
CONSIDERING further that, according to the *chapeau* of regulation 34 of the Regulations, the Single Judge may establish a time-limit other than the 10-day time limit provided for in regulation 34 (c) of the Regulations;

FOR THESE REASONS,

GRANT the request of the Legal Representative of Victim a/0333/07 for leave to reply the Observations of the parties;

DECIDE that the Legal Representatives of Victims a/0327/07, a/0329/07, a/0330/07, a/0331/07 and a/0333/07 shall have until Friday 25 April 2008 at 16h00 to file their replies to the Observations of the parties.

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



Judge Sylvia Steiner
Single judge

Dated this Wednesday 23 April 2008

At The Hague, The Netherlands