



Original: English

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

Date: 16th April 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

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

Public Document

Defence's Observations on the Modalities of Participation of Victims

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

Mr Luis Moreno Ocampo, Prosecutor
Mr Eric Macdonald, Senior Trial Lawyer

Counsel for the Defence for Germain Katanga

Mr David Hooper
Ms Caroline Buisman
Mr Göran Sluiter

Counsel for the Defence for Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of Victims

Me Joseph Keta
Me Jean-Louis Gilissen
Me Carine Bapita Buyagandu

Legal Representatives of 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

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. Following the order of the Pre-Trial Judge,¹ the Defence for Mr Germain Katanga hereby submits observations on the request for non disclosure of identity made by victim a/0333/07, and the set of procedural rights that should be attached to the procedural status of victim at the pre-trial stage of the present case.
2. The term 'pre-trial stage' is undefined. The Defence make these observations on the basis that the subject of these submissions is in effect limited to the period from now until the first status conference to be held by the Trial Chamber.
3. The Defence have had the opportunity of reading the cogent observations made by the Prosecutor on all the matter in his response² and adopt and agree them.
4. We emphasise that there is little need to depart from the wording contained in Article 68 (3) as to the essential criteria for victim participation, namely that it is only appropriate when the victim's 'personal interests are affected'.
5. The Defence agree paragraph 18 but are puzzled by the need for the Legal Representative to 'attend all hearings'. Some hearings, such as many status conferences, are not directly relevant to the interests of the victims and their interests can be equally, and more economically, protected by access to transcripts, by invitations to contribute in respect of particular issues and by providing an agenda in advance of hearings.
6. The Defence accordingly join with the Prosecutor in his prayer.

Submitted with respect,



David HOOPER

Dated this 16th April 2008
London

¹ ICC-01/04-01/07-357.

² ICC-01/04-01/07-392.