

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 July 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

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

v. Germain Katanga and Mathieu Ngudjolo Chui

Public Document

**Decision authorising the filing of observations on the
“Report of the Registry on the apparent conflict of interest in relation to the Legal
Representative of Victims a/0015/06, a/0022/08, a/0024/08, a/0025/08, a/0027/08,
a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08”**

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 for Germain

Katanga
Mr David Hooper
Ms Caroline Buisman

Counsel for the Defence for Mathieu

Ngudjolo Chui
Mr Jean-Pierre Kilenda Kakengi
Ms Maryse Alié

Legal Representatives of the Victims

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

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**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

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

NOTING the “Decision on the Defence Request for Postponement of the Confirmation Hearing”¹ issued by the Chamber on 25 April 2008 by which the Chamber postponed the confirmation hearing in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* to Friday 27 June 2008;

NOTING the “Decision on the 97 Applications for Participation at the Pre-Trial Stage of the Case”² issued on 10 June 2008 by which the Single Judge *inter alia* granted the procedural status of victim to Applicants a/0015/08,³ a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08, represented by Mr Jean-Chrisostome Mulamba Nsokoloni;

NOTING the “*Enregistrement d’un mandat de représentation légale pour a/0022/08*”⁴ filed by the Registry on 17 June 2008 and by which it informed the Chamber that Victim a/0022/08 has designated Mr Jean-Chrisostome Mulamba Nsokoloni as her legal representative;

¹ ICC-01/04-01/07-446.

² ICC-01/04-01/07-578-Conf and ICC-01/04-01/07-579.

³ Victim a/0015/08 is conjointly represented by Mr Jean-Chrisostome Mulamba Nsokoloni and Mr Hervé Diakiese.

⁴ ICC-01/04-01/07-603-Conf and ICC-01/04-01/07-603-Conf-Exp-Anx.

NOTING the “Decision on Victims’ Requests for Anonymity at the Pre-Trial Stage of the Case”⁵ issued by the Single Judge on 23 June 2008 and by which the Single Judge granted, *inter alia*, the request of Victim a/0022/08 not to have her identity disclosed to the Defence for Germain Katanga, the Defence for Mathieu Ngudjolo Chui, any other participant in the proceedings, the public or the media during the pre-trial stage of the present case;

NOTING the “*Engagement solennel de Maître Jean Chrysostome Mulamba, Représentant Légal des victimes a/0015/08, a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08, a/0035/08*”⁶ by the Victims Participation and Reparations Section (“the VPRS”) on 2 July 2008;

NOTING the second day of the confirmation hearing held, in public session, on Monday 30 June 2008 (“the 30 June 2008 Hearing”);⁷

NOTING the third day of the confirmation hearing held, in public session, on Wednesday 2 July 2008 (“the 2 July 2008 Hearing”) during which, *inter alia*, the Chamber (i) directed the Registry to evaluate the existence and consequences of the apparent conflict of interest concerning Mr Jean-Chrisostome Mulamba Nsokoloni and to inform the Chamber on the aforementioned issue no later than 7 July 2008, and (ii) decided that while the issue of an apparent conflict of interest is resolved, Mr Jean-Chrisostome Mulamba Nsokoloni would provisionally be separated from his functions as legal representative of the victims, and that the

⁵ ICC-01/04-01/07-628.

⁶ ICC-01/04-01/07-657 + Anxs 1 & 2.

⁷ ICC-01/04-01/07-T-39-ENG.

victims he represented would be exceptionally and provisionally represented by the Office of the Public Counsel for Victims ("the OPCV") until the victims appoint a new legal representative or the issue is resolved; and, (iii) directed Mr Jean-Chrisostome Mulamba Nsokoloni to cooperate with the Registry in the clarification of the aforementioned apparent conflict of interest;⁸

NOTING the "Report of the Registry on the apparent conflict of interest in relation to the Legal Representative of Victims a/0015/06, a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08" ("the Report") filed by the Registry on 7 July 2008;⁹

NOTING rule 90(1) of the Rules of Procedure and Evidence ("the Rules"), articles 12, 15, 16 and 31 of the Code of Professional Conduct for counsel;¹⁰

CONSIDERING that the Chamber would benefit from receiving observations from Mr Jean-Chrisostome Mulamba Nsokoloni and the parties on the Report;

⁸ ICC-01/04-01/07-T-40-ENG ET, p.8, lines 15-25 and page 9, lines 1-5.

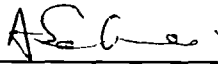
⁹ ICC- 01/04-01/07-665-Conf.

¹⁰ ICC-ASP/4/Res.1.

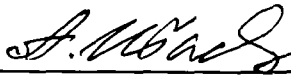
FOR THESE REASONS

DECIDES that the Mr Jean-Chrisostome Mulamba Nsokoloni, the Prosecution and the Defences for Mathieu Ngudjolo Chui and Germain Katanga will have until 9 July 2008 at 13h00 to file any observations on the Report.

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



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka
Judge



Judge Sylvia Steiner
Judge

Dated this Tuesday 8 July 2008

At The Hague, the Netherlands