



Original: **English**

No.: **ICC-01/04-01/06**

Date: **25 May 2009**

TRIAL CHAMBER I

Before: Judge Adrian Fulford, President
Judge Elizabeth Odio Benito, Judge
Judge René Blattmann, Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. THOMAS LUBANGA DYILO***

Public

**Prosecution's Submission of Questions for Experts on Names / Cultural
Conventions in the Democratic Republic of the Congo**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Legal Representatives of Applicants

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Joseph Keta Orwinyo

Mr Jean Chrysostome Mulamba

Nsokoloni

Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for the Victims The Office of Public Counsel for the Defence

Ms Paolina Massidda

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

Background

1. On 8 and 27 April 2009, the Legal Representatives of victims proposed two potential experts on the assignment and use of names in the Democratic Republic of the Congo (DRC). The Prosecution made submissions on the suitability of the suggested experts on 12 May 2009.¹
2. On 19 May 2009, the Trial Chamber ordered the parties and participants to provide any questions that in their view should be considered during the compilation of reports of one or both proposed experts by 25 May 2009.²

Prosecution's submission of questions for the expert(s)

3. The Prosecution notes that neither proposed expert is an expert on the laws in the Democratic Republic of the Congo (DRC); rather, they are experts on cultural conventions and practices in the DRC. On this basis, the Prosecution submits that the list of questions compiled by the Trial Chamber, initially intended for Mr Prunier³, should be provided to the expert(s). In addition, the Prosecution submits the following areas on naming / cultural conventions and practices in Ituri, DRC for consideration by the expert(s):
 - (i) How are names given/assigned in Ituri, DRC?
 - (j) Do names in Ituri, DRC have a significance or meaning?
 - (ii) Do children in Ituri, DRC bear the last names of their fathers?
 - (iii) If names are officially registered in Ituri, DRC, when and where are they registered (at what point in time following birth if there is a practice), how are they registered, and is registration always done, either in times of peace or in times of war - why or why not?

¹ ICC-01/04-01/06-1870-Conf, 12 May 2009.

² ICC-01/04-01/06-T-176-Conf-ENG, page 7, lines 21-25 and page 8, lines 1-5.

³ Trial Chamber's list of questions, provided to the parties and participants by emails on 24 March 2009 at 10:20.

- (iv) Can different groups of people (family members, colleagues, friends) refer to one individual by different names?
- (v) What are 'respect names' and are they used in Ituri, DRC? What is the use of 'respect names' dependant upon?



Luis Moreno-Ocampo
Prosecutor

Dated this 25th day of May 2009

At The Hague, The Netherlands