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TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Hans-Peter Kaul

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

Public Document

**Defence Motion Requesting the Disclosure of the Identity of Applicants Having
Obtained the Status of Victims**

Source: Defence for Mr Germain Katanga

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

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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

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Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. On 10 June 2008, the Pre-Trial Chamber I issued the Decision on the 97 Applications for Participation at the Pre-Trial Stage of the Case by which it granted the procedural status of victim at the pre-trial stage of the case to several applicants and ordered the Registry to notify to the Defence the identity of 18 of them.¹
2. On 13 June 2008 the Registry disclosed to the Defence the identity of these 18 applicants.²
3. In May and June 2009, the Defence submitted, four times, its observations on several applications for participation as victims and each time requested that the identities of the applicants who agree to disclosure be disclosed forthwith.³
4. On 31 July 2009, the Trial Chamber II issued the *Dispositif de la décision relative aux 345 demandes de participation de victimes à la procédure* by which it granted the procedural status of victim to 287 applicants.⁴
5. The Defence notes that a lot of applicants who have obtained the status of victims do not object to the disclosure of their identity to the Defence, according to their application forms, such as a/0144/08, a/0146/08, a/0148/08, a/0153/08, a/0157/08 to a/0166/08, a/0169/08 to a/0176/08, a/0178/08, a/0179/08, a/0212/08, a/0213/08, a/0215/08, a/0217/08 to a/0231/08, a/0281/08, a/0282/08, a/0398/08, a/0399/08, a/0402/08, a/0524/08, a/0067/09 to a/0086/09, a/0112/09 to a/0120/09, a/0122/09 to a/0128/09, a/0156/09, a/0158/09, a/0159/09, A/0162/09 to a/0169/09, a/0306/09, a/0315/09, a/0316/09, a/0318/09, a/0319/09, a/0321/09, a/0323/09, a/0223/08.
6. Therefore, the Defence prays the Trial Chamber to order the disclosure of the identity of the applicants who have obtained the status of victims pursuant to the Decision of 31 July 2009 and who do not object to such disclosure according to their application forms.

¹ ICC-01/04-01/07-578-Conf. Cf. its public redacted version, ICC-01/04-01/07-579.

² ICC-01/04-01/07-588-Conf, Mise en œuvre des décisions ICC-01/04-01/07-474 et ICC-01/04-01/07-578 rendues par la Chambre préliminaire I.

³ ICC-01/04-01/07-1152-Conf, Defence Observations on the 97 applications for participation as victims, 19/05/09; ICC-01/04-01/07-1170-Conf, Defence Observations on the 70 applications for participation as victims, 26/05/09; ICC-01/04-01/07-1187-Conf, Defence Observations on the 87 applications for participation as victims, 02/06/09; ICC-01/04-01/07-1245-Conf, Defence Observations on the applications for participation as victims notified in June 2009, 24/06/09.

⁴ ICC-01/04-01/07-1347 and its corrigendum notified on 6 August 2009.

Respectfully submitted,



David HOOPER

Dated this 7 September 2009

At The Hague