

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 May 2012

TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

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

Confidential

**Defence Observations on the Requests concerning the Detention of Witnesses
DRC-D02-P-0236, DRC-D02-P-0228, and DRC-D02-P-0350**

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 Q.C.
Mr Andreas O'Shea

**Counsel for the Defence for Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila
Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of Victims

Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

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. The Defence for Mr Katanga ("Defence") hereby presents two observations following the Duty Counsel's Requests concerning the Detention of Witnesses DRC-D02-P-0236, DRC-D02-P-0228, and DRC-D02-P-0350.¹
2. The Defence supports the Duty Counsel's requests that the *note verbale* of the Protocol Department of the Ministry of Foreign Affairs of the Netherlands, dated 12 March 2012, be declassified in order to be used in national court proceedings.²
3. The Defence submits that the attendance of the detained witnesses DRC-D02-P-0236, DRC-D02-P-0228 and DRC-D02-P-0350 at hearings in Dutch Courts, scheduled to discuss the witnesses' ongoing detention, seems necessary and just.³

Respectfully submitted,



David HOOPER Q.C.

Dated this 30 May 2012

At London

¹ ICC-01/04-01/07-3291-Conf, 14 May 2012.

² ICC-01/04-01/07-3291-Conf, para. 14.

³ ICC-01/04-01/07-3291-Conf, para. 15.