



Original: **French**

No.: **ICC-01/04-01/07**
Date: **7 February 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 THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

Public Document

Declaration of closure of submission of evidence

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

Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mr Éric MacDonald, Senior Trial Lawyer

Counsel for Germain Katanga

Mr David Hooper
Mr Andreas O'Shea

Counsel 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/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

TRIAL CHAMBER II of the International Criminal Court (“the Chamber” and “the Court”, respectively), acting pursuant to article 64 of the Rome Statute and rule 141 of the Rules of Procedure and Evidence (“the Rules”) decides the following.

1. The Chamber recalls that on 18 November 2011, it decided to visit the Democratic Republic of the Congo (“the DRC”)¹ and that on 1 December 2011 it scheduled the visit for the week of 15 to 22 January 2012.²
2. It also recalls that in its decision of 15 December 2011, it rejected all applications to tender additional evidence³ and stated in an order issued on the same day that it did not intend to call new witnesses, but that it could not declare the submission of evidence closed until the site visit had taken place.⁴
3. The judicial site visit took place on 18 and 19 January as planned, and, the report of the visit having been added to the case record,⁵ the Chamber is now in a position to declare hereby the submission of evidence closed, in accordance with rule 141 of the Rules.

¹ *Decision on a judicial site visit to the Democratic Republic of the Congo*, 18 November 2011, ICC-01/04-01/07-3203-tENG (initially confidential but subsequently reclassified as a public document on 27 January 2012 on the instruction sent to the Registry by e-mail by a legal officer of the Chamber on 27 January 2012 at 12.28).

² *Decision on the judicial site visit to the Democratic Republic of the Congo*, 1 December 2011, ICC-01/04-01/07-3213-tENG (initially confidential but subsequently reclassified as a public document on 27 January 2012 on the instruction sent to the Registry by e-mail by a legal officer of the Chamber on 27 January 2012 at 12.28).

³ *Decision on three applications seeking the production of additional evidence and on an agreement as to evidence*, 15 December 2011, ICC-01/04-01/07-3217-Conf-tENG and ICC-01/04-01/073217-Red (public redacted version).

⁴ *Order on the arrangements for the submission of the written and oral closing statements (regulation 54 of the Regulations of the Court)*, 15 December 2011, ICC-01/04-01/07-3218-tENG (initially confidential but subsequently reclassified as a public document on 27 January 2012 on the instruction sent to the Registry by e-mail by a legal officer of the Chamber on 27 January 2012 at 12.28).

⁵ Registry, “*Enregistrement au dossier du procès-verbal du transport judiciaire en République démocratique du Congo*”, 6 February 2012, ICC-01/04-01/07-3234, ICC-01/04-01/07-3234-Conf-Anx and ICC-01/04-01/07-3234-Anx-Red (public redacted version).

FOR THESE REASONS, the Chamber

DECLARES the submission of evidence closed.

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

[signed]

Judge Bruno Cotte
Presiding Judge

[signed]

Judge Fatoumata Dembele Diarra

[signed]

Judge Christine Van den Wyngaert

Dated this 7 February 2012

At The Hague, The Netherlands