



Original: English

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

Date: 1 March 2013

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***

PUBLIC

With 4 annexes confidential and 1 annex public

Report of the Registrar on the execution of the “Decision on the request for release of witnesses DRC-D02-P-0236, DRC-D02-P-0228 and DRC-D02-P-0350”

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

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 the Victims

Mr Fidel Nsita Luvengika

Mr Jean-Louise Gilissen

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

(Participation/Reparation)

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Pereira

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (“the Court”)

NOTING the “Decision on the request for release of witnesses DRC-D02-P-0236, DRC-D02-P-0228 and DRC-D02-P-0350”¹ (the “Decision”) issued by Trial Chamber II (the “Chamber”) on 8 February 2013;

NOTING articles 86 and 93 (7) of the Rome Statute, rule 176(2) of the Rules of Procedure and Evidence and regulation 23*bis* of the Regulations of the Court;

CONSIDERING that the Chamber invited the Governments of the Kingdom of the Netherlands and the Democratic Republic of the Congo to respond to the questions enlisted in paragraphs 24 and 25 of the Decision;

CONSIDERING that the Chamber ordered the Registry “to transmit the questions specified in paragraph 24 to the Dutch authorities and the questions specified in paragraph 25 to the Congolese authorities, and to notify their responses as soon as possible”²;

INFORMS the Chamber as follows:

Kingdom of the Netherlands

1. The Registry transmitted the Decision of the Chamber via Note Verbale to the competent authorities of the Kingdom of the Netherlands on 11 February 2013.
2. The Dutch authorities replied to the Registry by a Note Verbale dated 28 February 2013.

¹ ICC-01/04-01/07-3352

² Ibid, p.12

Democratic Republic of the Congo

3. The Registry transmitted the Decision of the Chamber in its original English version via Note Verbale to the competent authorities of the Democratic Republic of the Congo on 14 February 2013.
4. The Registry transmitted the French translation of the Decision to the Congolese authorities on 20 February 2013 in accordance with article 87(2) of the Rome Statute.
5. On 28 February 2013 the Registry received the reply from the Congolese authorities.

Level of confidentiality

6. The Registry files the annexes to the present report as *confidential* as they contain official communications between the Registry and States. The Democratic Republic of Congo indicated that its note verbale was to be filed as a confidential document. The Kingdom of the Netherlands indicated that its note verbale could be filed public.

TRANSMITS in annexes:

- The Note Verbale to the Kingdom of the Netherlands dated 11 February 2013 (Annex 1);
- The reply received from the Kingdom of the Netherlands dated 28 February 2013 (Annex 2);
- The Note Verbale to the Democratic Republic of the Congo dated 11 February 2013 transmitting the English version of the Decision and the Memorandum of Notification (Annex 3);

- The reply received from the authorities of the Democratic Republic of the Congo dated 28 February 2013 (Annex 5).

RESPECTFULLY SUBMITTED.



Silvana Arbia, Registrar

Dated this 1 March 2013
At The Hague, The Netherlands