

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/12 A

Date: 28 March 2013

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Cuno Tarfusser
Judge Erkki Kourula
Judge Ekaterina Trendafilova

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. MATHIEU NGUDJOLO CHUI***

Public Document

**With Annex 1, Confidential EX PARTE, only available to the Registry,
Annex 2, Confidential and EX PARTE, only available to the Registry and Mr
Gilissen,
Annex 3, Confidential**

Confidential redacted version of Annex 2

**Transmission of the List of Victims in compliance with the Decision
ICC-01/04-02/12-30**

Source: Registry

Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor
Mr Fabricio Guariglia

Counsel for the Defence

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

Legal Representatives of the Victims

Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

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 Preira

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

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

NOTING the Decision on the participation of victims in the appeal against Trial Chamber II's “Jugement rendu en application de l’article 74 du Statut” (the “Appeal Decision”), issued on 6 March 2013, in which the Appeals Chamber ordered the Registrar to file by 16h00 on 28 March 2013 a list of the victims who participated in the trial proceedings in the case of *Prosecutor v. Mathieu Ngudjolo Chui* and whose victim status was not revoked (the “List of Victims”);¹

NOTING articles 68 (1) and (3) of the Rome Statute, rules 16, 17 and 87 of the Rules of Procedure and Evidence, regulations 23 *bis*, 24 *bis* and 42 (1) of the Regulations of the Court and regulation 94 of the Regulations of the Registry;

CONSIDERING that the Registry has prepared the List of Victims (Annex 1) which contains all the information requested by the Appeals Chamber, and has split this list into two in order that each Legal representative of victims has access only to the list pertaining to victims he represents (Annexes 2 and 3);

CONSIDERING that four victims who participated in the trial proceedings have died and that the issue of the continuation of their participation in the proceedings is still pending;²

¹ ICC-01/04-02/12-30, page 3, points 1 and 2. The Appeals Chamber also indicated that the list shall indicate the number of each individual victim and such identifying information as may be divulged to Mr Ngudjolo and the Prosecutor in accordance with the protective measures ordered by Pre-Trial Chamber I and Trial Chamber II, the legal representative of each victim, as well as the date on which the victim was granted the right to participate in the proceedings (paragraph 4).

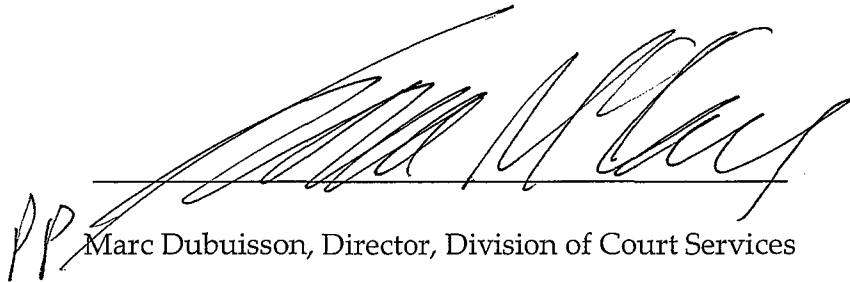
² On 15 February 2011, the legal representative of victims a/0175/08, a/0117/09, a/0321/09 and a/0373/09 informed Trial Chamber II that these victims have died. On the issue of the continuation of their participation in the proceedings, the legal representative submitted that the families of victims a/0175/08 and a/0321/09 have been unable to complete their files, and that despite the efforts of his team, it has not been possible to contact the families of victims a/0117/09 and a/0373/09 (ICC-01/04-01/07-2706, paragraphs. 10, 14-19 and 17-18). On 12 September 2012 Trial Chamber II ordered the legal

CONSIDERING that redactions were applied in Annex 2 in such a way as to allow Mr Mathieu Ngudjolo Chui and the Prosecutor to have access to such identifying information as may be divulged in accordance with the protective measures ordered by Pre-Trial Chamber I and Trial Chamber II (confidential redacted version of Annexe 2);³

TRANSMITS:

- Annex 1: List of Victims only available to the Appeals Chamber;
- Annex 2: List of victims represented by Mr Jean-Louis Gilissen only available to the Appeals Chamber and Mr Gilissen ;
- Annex 3: List of victims represented by Mr Fidel Nsita Luvengika;

Confidential redacted version of Annex 2 available to both parties and the participants;


 PP/ Marc Dubuisson, Director, Division of Court Services

per delegation of the Registrar

Dated this 28 March 2013

At The Hague, The Netherlands

representative to "continue his efforts to contact the respective families of Victims a/0175/08, a/0321/09, a/0117/09 and a/0373/09 and to transmit to the Chamber the relevant information to enable it to rule on their applications" (ICC-01/04-01/07-2827).

³ The Victims Participation and Reparation Section prepared Annex 2 Redacted taking into account information and advice provided on some redactions by the Victims and Witnesses Unit.