

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 25 October 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, the
Prosecutor, Mr Ngudjolo and Mr Nsita Luvengika**

**Transmission of an Updated List of Victims in compliance with the Decision
ICC-01/04-02/12-140**

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

Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Mr Patrick Craig

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 anonymous victims in the appeal and on the maintenance of deceased victims on the list of participating victims (the “Appeals Decision”), issued on 23 September 2013, in which the Appeals Chamber (the “Chamber”) ordered the Registrar to file on 25 October 2013 an updated list of participating victims that excludes deceased victims as well as any other deceased victim and persons who have been authorised to resume participation on behalf of deceased victims (the “Updated List of Victims”);¹

NOTING the order of the Chamber issued on 18 April 2013² directing the Registry to classify Annex 3 of the List of Victims prepared by the Registry on 28 March 2013 as Confidential *ex parte*;³

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 Updated List of Victims (Annex 1) which contains all of the information requested by the Appeals Chamber,⁴ and has

¹ ICC-01/04-02/12-140, page 3, point 3 and page 12, para. 26. On 28 March 2013, the Registry filed the “Transmission of the List of Victims in compliance with the Decision ICC-01/04-02/12-30”, (the “List of Victims”), together with three Confidential, *ex parte* annexes that collate the details of participating victims, see ICC-01/04-02/12-55 and Corrigenda to the annexes filed as ICC-01/04-02/12-55-Conf-Exp-Anx1-Corr2, ICC-01/04-02/12-55-Conf-Exp-Anx2-Corr and ICC-01/04-02/12-55-Conf-Exp-Anx3-Corr.

² ICC-01/04-02/12-66.

³ Annex 3 of the List of Victims which was reclassified by the Chamber as Confidential *ex parte* only available to the Prosecutor, Mr Ngudjolo and Mr Nsita Luvengika (see ICC-01/04-02/12-55-Conf-Exp-Anx3-Corr) is submitted with an updated version as Annex 2 Confidential *ex parte* of the present filing.

prepared a version pertaining only to the clients of Mr Nsita Luvengika (Annex 2) to be made available to the Parties and Mr Nsita Luvengika only,⁵ and that both annexes are submitted Confidential *ex parte*;

CONSIDERING that Annex 2 of the List of Victims⁶ prepared by the Registry on 28 March 2013 reflects the current status and that the List of Victims participating in the proceedings who are represented by Mr Gilissen remains unchanged;⁷

CONSIDERING that as instructed by the Appeals Decision, the Updated List of Victims prepared by the Registry excludes 1) the deceased victims⁸ and 2) any other deceased victims⁹ or persons who have been authorised to resume participation on behalf of deceased victims;¹⁰

⁴ In compliance with the Decision ICC-01/04-02/12-30, page 3, points 1 and 2, and page 5, para. 4. The present Annex 1 is an update of the Annex 1 of the List of Victims and is classified Confidential *ex parte* only available to the Chamber and the Registry.

⁵ The present Annex 2 is an update of the Annex 3 of the List of Victims which was reclassified by the Chamber as Confidential *ex parte* only available to the Prosecutor, Mr Ngudjolo and Mr Nsita Luvengika (see ICC-01/04-02/12-55-Conf-Exp-Anx3-Corr in compliance with the Order ICC-01/04-02/12-66).

⁶ See ICC-01/04-02/12-55-Conf-Exp-Anx2-Corr available only to Mr Gilissen and the Appeals Chamber and its redacted version ICC-01/04-02/12-55-Conf-Exp-Anx2-Red-Corr only available to the Prosecutor, Mr Ngudjolo and Mr Gilissen (The "Annex 2 of the List of Victims").

⁷ The Registry notes that no deceased victims represented by Mr Gilissen were reported and that the current status of anonymity of the victims a/0390/09 and a/0452/09 in the proceedings, as it appears in the Annex 2 of the List of Victims, remains the same unless otherwise decided by the victims or the Chamber, see Appeals Chamber Decision ICC-01/04-02/12-140, paras. 20-21 and the Legal Representative's Observations of 23 October 2013, ICC-01/04-02/12-145.

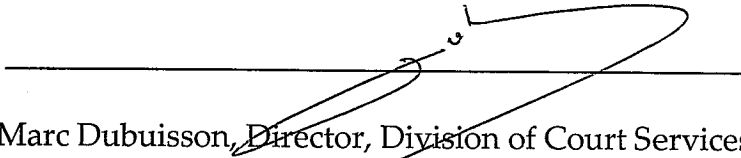
⁸ ICC-01/04-02/12-140, page 3, point 3 and page 12, para. 26; a/0175/08, a/0117/09, a/0321/09, a/0373/09 a/0166/09, a/0253/09, a/0354/09 and a/0376/09.

⁹ The Registry notes that no other deceased victim was reported by Mr Nsita Luvengika or by Mr Gilissen.

¹⁰ a/0025/08, a/0051/08, a/0197/08, a/0207/08, a/0120/09 and a/0311/09. The Registry notes the following decisions issued by the Trial Chamber II authorising a person to resume participation on behalf of deceased victim, see ICC-01/04-01/07-1737 for a/0207/08, ICC-01/04-01/07-1967 for a/0120/09, ICC-01/04-01/07-3018 for a/0051/08 and a/0197/08, ICC-01/04-01/07-3185 for a/0025/08 and a/0311/09. The Registry notes also the decision ICC-01/04-01/07-3383 for a/0253/09, already excluded as a deceased victim listed by the Chamber.

TRANSMITS the Updated List of Victims as follows:

- Annex 1: A Comprehensive Updated List of Victims only available to the Appeals Chamber;
- Annex 2: An Updated List of Victims represented by Mr Nsita Luvengika only available to the Appeals Chamber, the Prosecutor, Mr Ngudjolo and Mr Nsita Luvengika.



Marc Dubuisson, Director, Division of Court Services
per delegation of the Registrar

Dated this 25 October 2013

At The Hague, The Netherlands