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No.: **ICC-01/04-01/07**
Date: **27 January 2014**

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***

Public

Defence Further Report on the Security Situation in Eastern DRC

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

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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

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 19 November 2013, the Chamber issued its *Décision portant rappel des termes de la décision n° 3406 du 2 octobre 2013 et de l'Ordonnance n° 3412 du 10 octobre 2013*,¹ by which it stated that:

12. [...] eu égard à l'obligation qui lui est faite de statuer avec diligence, c'est dans le jugement qu'elle rendra en application de l'article 74 du Statut qu'elle se prononcera sur les difficultés qu'a pu rencontrer la Défense pour accomplir les enquêtes qu'elle estimait indispensable d'effectuer et, plus généralement, sur la compatibilité de la procédure de requalification avec les droits de l'accusé. La Chambre ne peut dès lors que confirmer qu'elle n'envisage pas, à ce stade, l'accomplissement de nouvelles enquêtes. [...]

2. The defence has, over the past two months, sought to inform itself as to the security situation in Ituri and North Kivu, in order, should the situation have improved to the extent that investigations were again viable, to approach the Chamber for leave to make such investigations.
3. The defence, by this filing, informs the Chamber that the situation has not improved to the extent where the defence considers investigations are viable. Indeed in respect of Beni the situation has got worse. The key area of Walendu Bindi remains too insecure for investigations. The Defence remains at the disposal of the Chamber should it require further information.

Respectfully submitted,



David HOOPER Q.C.

Dated this 27 January 2014

At The Hague

¹ ICC-01/04-01/07-3419.