

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 14 July 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Germain Katanga and Mathieu Ngudjolo Chui***

Public Document

Order to File Document DRC-OTP-0039-0299.

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

The Office of the Prosecutor

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

**Counsel for the Defence
of Germain Katanga**

Mr David Hooper
Ms Caroline Buisman

**Counsel for the Defence of Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J L Gilissen
Mr Hervé Diakiese
Mr Jean-Christostome Mulamba
Nsokoloni

Unrepresented Victims

Legal Representatives of the Applicants

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massida

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I of the International Criminal Court (“the Chamber” and “the Court,” respectively),

NOTING the “*Observations de la Défense sur le case de Maître Jean-Christostome Mulamba Nsokoloni en sa qualité de Représentant légal des Victimes a/0015/08, a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 et a/0035/08 relativement au conflit apparent d’intérêt que suscite sa désignation au regard de la défense des intérêts de Monsieur Mathieu Ngudjolo*”¹ (“the Defence for Mathieu Ngudjolo Chui’s Observations”) filed by the Defence for Mathieu Ngudjolo Chui on 9 July 2008;

NOTING rule 90(1) of the *Rules of Procedure and Evidence* (“the Rules”) and articles 12, 15, 16 and 31 of the Code of Professional Conduct for counsel;²

CONSIDERING that the Defence for Mathieu Ngudjolo Chui refers to document DRC-OTP-0039-0299 in support of its submissions; that this document was disclosed by the Prosecution to the Defence for Mathieu Ngudjolo Chui pursuant to rule 77 of the Rules under the *inter partes* disclosure process; and that therefore, the Chamber does not have access to this document;

CONSIDERING therefore that in order to ensure the rights of the Defence, protect the interests of the victims and preserve the integrity of the proceedings, the Chamber is of the view that the provisional separation of Mr Jean-Christostome Mulamba Nsokoloni from his functions as legal representative of victims a/0015/08, a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08,

¹ ICC-01/04-01/07-669.

² ICC-ASP/4/Res.1.

a/0034/08 and a/0035/08 shall be maintained as a precautionary measure until the issue of an apparent conflict of interest is resolved;

CONSIDERING therefore that, during the time allocated to the Legal representatives of the victims in the schedule of the confirmation hearing for their closing statements, which are scheduled for tomorrow 15 July 2008 from 11h00 to 13h00,³ Mr Hervé Diakiese shall make the closing statements on behalf of victim a/0015/08; and the Office for Public Counsel for Victims ("the OPVC") shall make the closing statements on behalf of victims a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08;

FOR THESE REASONS

ORDERS the Defence for Mathieu Ngudjolo Chui to file in the record of the present case by Tuesday 15 July 2008 at 16h00 the document DRC-OTP-0039-0299;

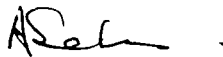
DECIDES to maintain the provisional separation of Mr Chrisostome Mulamba Nsokoloni from his functions as legal representative of the victims a/0015/08, a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08, as a precautionary measure until the issue of an apparent conflict of interest is resolved;

DECIDES that Mr Hervé Diakiese shall make the closing statements on behalf of victim a/0015/08 and that the OPVC shall make the closing statements on behalf of victims a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08 during the time allocated to the Legal

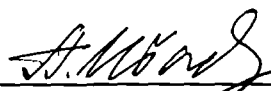
³ ICC-01/04-01/07-587 and ICC-01/04-01/07-587-Anx1.

Representatives of victims in the schedule of the confirmation hearing for the presentation of their closing statements.

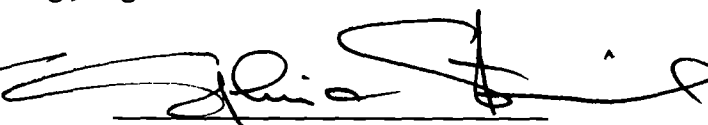
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka
Judge



Judge Sylvia Steiner
Judge

Dated this Monday 14 July 2008

At The Hague, the Netherlands