

**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

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**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**

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**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*”<sup>1</sup> (“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;<sup>2</sup>

**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,

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<sup>1</sup> ICC-01/04-01/07-669.

<sup>2</sup> 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,<sup>3</sup> 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;

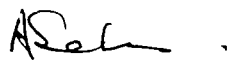
**DECIDES** that Mr Hervé Diakiese shall make the closing statements on behalf of victim a/0015/08 and that the OPVC shall make the closing statements on behalf of victims a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08 during the time allocated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

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<sup>3</sup> 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.

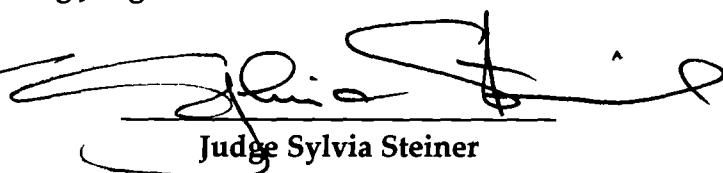
Done in both English and French, the English version being authoritative.



**Judge Akua Kuenyehia**  
**Presiding Judge**



**Judge Anita Ušacka**  
**Judge**



**Judge Sylvia Steiner**  
**Judge**

Dated this Monday 14 July 2008

At The Hague, the Netherlands