



Original: **French**

No.: ICC-01/04-01/07  
Date: **31 January 2011**

**TRIAL CHAMBER II**

**Before: Judge Bruno Cotte, Presiding Judge  
Judge Fatoumata Dembele Diarra  
Judge Christine Van Den Wyngaert**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO  
IN THE CASE OF  
*THE PROSECUTOR v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

**Public document**

**Decision on the notification of the removal of Victim a/0381/09 from the Legal  
Representative's list of witnesses**

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  
Mr Éric MacDonald

**Counsel for Germain Katanga**

Mr David Hooper  
Mr Andreas O'Shea

**Counsel for Mathieu Ngudjolo Chui**

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 for  
Participation/Reparations**

**The Office of Public Counsel for  
Victims**

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

**States' Representatives**

**Amicus Curiae**

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**REGISTRY**

**Registrar**

Ms Silvana Arbia

**Counsel Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

Ms Maria Luisa Martinod-Jacome

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**TRIAL CHAMBER II** of the International Criminal Court (“the Chamber” and “the Court” respectively), acting pursuant to article 64 of the Rome Statute and regulation 23*bis* of the Regulations of the Court, decides as follows.

1. On 31 January 2011, the legal representative of the main group of victims (“the Legal Representative”) notified the Chamber of his intention to remove Victim a/0381/09 from his list of witnesses.<sup>1</sup> That same day, he filed additional information on a confidential, *ex parte* basis available only to the Chamber and the Legal Representative, stating the reasons for the removal of the victim from the list.<sup>2</sup>
2. In light of the explanation provided by the Legal Representative, the Chamber notes the removal of Victim a/0381/09 from the list of victims whom it authorised to appear.<sup>3</sup> Desirous of ensuring that the trial is conducted fairly, the Chamber considers that the reasons advanced by the Legal Representative in support of his removal of the victim deserve to be made known to the parties, and that none of the grounds on which the Legal Representative relies warrants his chosen confidentiality classification.

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<sup>1</sup> Legal Representative, “*Notification du retrait de la victime a/0381/09 de la liste des témoins du représentant légal*”, 31 January 2011, ICC-01/04-01/07-2669.

<sup>2</sup> Legal Representative, “*Complément d’informations relatif au retrait de la victime a/0381/09 de la liste des témoins du représentant légal*”, 31 January 2011, ICC-01/04-01/07-2668-Conf-Exp.

<sup>3</sup> *Décision aux fins d’autorisation de comparution des victimes a/0381/09, a/0018/09, a/0191/08 et pan/0363/09 agissant au nom de a/0363/09*, 9 November 2010, ICC-01/04-01/07-2517.

**FOR THESE REASONS, the Chamber**

**NOTES** the removal of Victim a/0381/09 from the list of victims whom it authorised to appear; and

**ORDERS** the Registrar to reclassify filing ICC-01/04-01/07-2668-Conf-Exp as confidential.

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

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[signed]

**Judge Bruno Cotte**  
**Presiding Judge**

\_\_\_\_\_  
[signed]

**Judge Fatoumata Dembele Diarra**

\_\_\_\_\_  
[signed]

**Judge Christine Van den Wyngaert**

Dated this 31 January 2011  
At The Hague, The Netherlands