



Original: **French**

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

Date: **24 May 2013**

**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***

**Public document  
With confidential annex**

**Information on the appeals of Witnesses DRC-D02-P-0236, DRC-D02-P-0228 and  
DRC-D02-P-0350 before the Amsterdam District Court**

**Source: Duty Counsel**

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

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**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**Office of Public Counsel for Victims**

**Office of Public Counsel for the  
Defence**

**States' Representatives**

The Host State

The Democratic Republic of the Congo

**Amicus Curiae**

**GREFFE**

**Registrar and Deputy Registrar**

Mr Herman von Hebel and Mr Didier

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**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Patrick Craig

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

Mr Ghislain M. Mabanga

1. *Subject* - This motion is submitted to Trial Chamber II of the International Criminal Court (“the Chamber” and “the Court” respectively), for and on behalf of Witnesses DRC-D02-P-0236, DRC-D02-P-0228 and DRC-D02-P-0350 (hereinafter “the witnesses” or “the detained witnesses”), for the purposes of keeping the Chamber informed of the status of the asylum proceedings involving the detained witnesses before the District Court of Amsterdam.
  
2. *Confidentiality level* – As the detained witnesses testified publicly, there is no impediment to this document being made public. However, as the annex is a confidential document provided to the Chamber with the leave of the Dutch counsel who is its intended recipient, the annex will be classified as confidential, pursuant to regulation 14(b) of the Regulations of the Registry.
  
3. *Status of proceedings before the District Court of Amsterdam* – In its decision of 8 February 2013, the Chamber considered that the expected duration of asylum proceedings before the Dutch Courts constituted one of the factors which would affect a proper determination as to the request for the release submitted by the detained witnesses, who had been held in custody since 4 February 2013.<sup>1</sup> To this end, the detained witnesses wish to bring the following information to the Chamber’s attention:
  - On 11 April 2013, the District Court of Amsterdam held a hearing in order to rule on the merits of the appeals lodged by the detained witnesses against the decisions rejecting their respective asylum applications. The matter was taken under advisement on 23 May 2013.

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<sup>1</sup> *Decision on the request for release of witnesses DRC-D02-P-0236, DRC-D02-P-0228 and DRC-D02-P-0350*, 8 February 2013, ICC-01/04-01/07-3352, paras. 23 and 24.

- By e-mail of 22 May 2013, the clerk from the District Court of Amsterdam informed counsel for the detained witnesses that the matter would remain under advisement for a further six weeks (**see annex**).
4. *Submission* – The detained witnesses respectfully submit to the Chamber this information which might be useful in its assessment of whether the witnesses’ detention in the Court’s detention centre is reasonable.

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[signed]  
Ghislain M. Mabanga  
Duty Counsel

Dated this 24 May 2013.

At Paris, France