

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/07
Date: 29 August 2007

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR *v.* GERMAIN KATANGA**

Under seal

Ex parte, available only to the Prosecution

**Decision on the Prosecution's Request for the Variation of the Calendar for
Requesting Redactions to Statements or Interview Notes of Witnesses**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Mr Éric MacDonald, Trial Lawyer

I, Judge Sylvia Steiner, judge at the International Criminal Court (the “Court”);

NOTING the “*Decision Rejecting the Prosecution Urgent Request and Establishing a Calendar for the Disclosure of the Supporting Materials of the Prosecution Application for a Warrant of Arrest against Germain Katanga*” (“Decision of 6 August 2007”), filed by the Single Judge on 6 July 2007, whereby the Single Judge decided: (i) to establish a calendar for the disclosure of the materials submitted by the Prosecution in support of its application for the issuance of a warrant of arrest for Germain Katanga; and (ii) that the Prosecution shall have until 7 August 2007 to either disclose unredacted versions of witness statements 7, 13 and 14 to the Defence or to request no later than 7 August 2007 the authorisation of the Single Judge for any redaction that the Prosecution might still consider necessary (iii) that the Prosecution shall have no later than 31 August 2007 to request authorisation of the Single Judge for any redaction that the Prosecution might still consider necessary regarding other witnesses statements, using the example provided in Annex I to the *Decision on the confirmation of charges* in the case of *The Prosecutor v. Thomas Lubanga Dyilo*;¹

NOTING the “*Decision Altering the Calendar for the Submission of Formatted Version of the Arrest Warrant Application and Redacted Witness Statements*”, issued by the Single Judge on 10 July 2007,² by which the Single Judge decided, *inter alia*, to maintain the deadline for the Prosecution to request authorisation for redactions to the statements of Witnesses 7, 13 and 14 and for the remaining witnesses statements;

NOTING the “Prosecution’s Request for the Variation of the Calendar for Requesting Redactions to Statements or Interview Notes of Witnesses”, filed by the Prosecution on 24 August 2007,³ whereby the Prosecution informs the Chamber

¹ ICC-01/04-01/07-5-US-Exp, p. 8.

² ICC-01/-4-01/07-9-US-Exp, p. 3.

³ ICC-01/-4-01/07-15-US-Exp.

about the current status of the assessment of protective measures and requests that a hearing be scheduled to afford the Prosecution and the Registry, together with the Victims and Witnesses Unit ("VWU"), the opportunity to update the Single Judge on the current status of the referrals, and for the Single Judge to consider establishing a new calendar; in the alternative, that the Single Judge vary the current calendar to afford the Prosecution 10 days for the review and proposal of redactions to the statements and interview notes of witnesses 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12, with such period to begin as soon as a final decision has been reached by the Registry in relation to all witnesses and their family members;

NOTING regulation 35 of the *Regulations of the Court*;

CONSIDERING that the assessment by VWU is still ongoing in relation to most of the witnesses, that the redactions to witness statements are also related to the type of protective measures that may be offered to witnesses, and that, therefore, good cause has been shown to extend the time limit and therefore to vary the current calendar;

FOR THESE REASONS,

GIVE the Prosecution 10 days from the notification of the Registry's final decision on the assessment of protective measures for all witnesses and their family members to submit its requests for authorisation for redactions.

ORDER the Prosecution and the Registry to provide information to the Single Judge within 15 days from the notification of this decision on the status of the referrals and on the assessments.

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



Judge Sylvia Steiner
Single Judge

Dated this Wednesday 29 August 2007

At The Hague, The Netherlands