

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/07
Date: 18 October 2007

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Single Judge

Registrar: Mr Bruno Cathala

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

**Under seal
Ex parte only available to the Prosecution**

**DECISION ON THE INCORPORATION OF DOCUMENTS IN THE RECORD OF
THE CASE AND CONVENING A HEARING**

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Mrs Fatou Bensouda

Mr Éric MacDonald

I, Judge Akua Kuenyehia, judge at the International Criminal Court (the “Court”);

NOTING the Prosecution’s application for a warrant of arrest against Germain Katanga under article 58 of the Statute, part one and two (“the Prosecution Application”),¹ filed by the Prosecution on 22 and 25 June 2007;

NOTING the warrant of arrest against Germain Katanga² (“the Warrant of Arrest”) issued by the Chamber on 2 July 2007;

NOTING the “Order on the execution of the warrant of arrest for Germain Katanga”³ (“the Order”) issued by the Chamber on 2 July 2007;

NOTING the “Decision on the evidence and information provided by the Prosecution for the issuance of a warrant of arrest for Germain Katanga”⁴ (“the Decision”) issued on 6 July 2007 whereby the Chamber set out the analysis of the evidence and information provided by the Prosecution in connection with its application for a warrant of arrest against Germain Katanga;

NOTING the “Prosecution’s Amended Application Pursuant to Rule 81(2) and Rule 81(4)”⁵ filed on 10 September 2007 in which the Prosecution proposes redactions to witness statements 7, 13 and 14;

¹ ICC-01/04-348-US-Exp and ICC-01/04-350-US-Exp.

² ICC-01/04-01/07-1

³ ICC-01/04-01/07-2-US-Exp.

⁴ ICC-01/04-01/07-4-US-Exp.

⁵ ICC-01/04-01/07-18-US-Exp.

NOTING articles 57 (3) (c), 67 (1) and 68 (1) of the Rome Statute ("the Statute"), rules 87 (2) (c) and 88 (4) of the Rules of Procedure and Evidence ("the Rules") and regulation 8 (c) of the Regulations of the Court;

CONSIDERING that the Germain Katanga is already in the Detention Center of the Court and that the warrant of arrest against him has already been unsealed and made public;

CONSIDERING that the Prosecution has filed the proposed formatted version of the Prosecution Application showing the track changes and a revised version of the redacted formatted version of the Prosecution Application;

FOR THESE REASONS

DECIDE to incorporate in the record of the case a copy of the following documents which are part of the record of the Situation in the Democratic Republic of the Congo:

- i) ICC-01/04-338-US-Exp;
- ii) ICC-01/04-339-US-Exp;
- iii) ICC-01/04-T-11-Conf-Exp-EN;
- iv) ICC-01/04-348-US-Exp;
- v) ICC-01/04-349-US-Exp and ICC-01/04-349-US-Exp-Anx1 to Anx10 and AnxA to AnxH;
- vi) ICC-01/04-350-US-Exp;
- vii) ICC-01/04-351;
- viii) ICC-01/04-352-US-Exp;

~~Pursuant to Decision ICC-01/04-01/07-53 dated 05/11/2007, this document is reclassified as CONFIDENTIAL.
ICC-01/04-01/07-27 25-02-2008 4/4 SL PT~~

~~Pursuant to Decision ICC-01/04-01/07-211, dated 20-02-2008, this document is reclassified as Public~~

- ix) ICC-01/04-353;
- x) ICC-01/04-354-US-Exp and ICC-01/04-354-US-Exp-Anx1 to Anx6 and Anx10 to Anx14;
- xi) ICC-01/04-355-Conf-Exp.

DECIDE to convene an *ex parte* and in camera hearing with the Prosecution and the representatives of the VWU on Thursday 25 October 2007 at 13h00 in room C0286 in which the following items will be discussed:

- 1) Matters concerning the proposed formatted and redacted formatted versions of the Prosecution Application for a warrant of arrest;
- 2) Redactions concerning the statements of witnesses 7, 13 and 14 of the Prosecution Application in light of the fact that they have been relocated;
- 3) Matters concerning the unsealing and reclassification of documents contained in the record of the case.

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



Judge Akua Kuenyehia
Single Judge

Dated this Thursday 18 October 2007
At The Hague
The Netherlands