

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

No.: ICC-01/04-01/07  
Date: 02 November 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, only available to the Prosecutor**

**Prosecution's Submission Pursuant to the Single Judge's Order and  
Recommendations Relating to the Formatted Versions of the Prosecution  
Application for a Warrant of Arrest"**

**The Office of the Prosecutor  
Mr. Luis Moreno-Ocampo, Prosecutor  
Ms. Fatou Bensouda, Deputy Prosecutor  
Mr. Éric MacDonald, Trial Lawyer**

During the hearing held on 25 October 2007 ("Hearing"), the Single Judge recommended that the Prosecution reconsider some of its redactions applied to the name "Mathieu NGUDJOLO" and identifying information in relation to Mathieu NGUDJOLO which the Prosecution systematically removed from its 17 October 2006 Second Reformatted Arrest Warrant Application against Germain KATANGA. The Single Judge suggested, in certain paragraphs, that such systematic redaction reveals rather than conceals the fact that Mathieu NGUDJOLO may be the focus of the Prosecution's investigations.<sup>1</sup> The Prosecution provided an initial response during the Hearing to the Single Judge's suggestions made in relation to specific paragraphs. On that occasion, the Single Judge directed the Prosecution to include the recommendations made during the hearing, including the former paragraph numbering used in the Initial Arrest Warrant Application<sup>2</sup> submitted on 22 June and 25 June 2007.<sup>3</sup>

The Prosecution therefore appends, as Annexes A and B to this submission, the formatted arrest warrant application as filed on 18 July 2007, revealing in "track changes" any and all modifications made to the initial arrest warrant application filed in two parts on 22 and 25 June 2007 ("Third Formatted Arrest Warrant Application"). In this Third Formatted Arrest Warrant Application the terms that the Prosecution agrees to reintroduce are highlighted in the text, in yellow. The references to Mathieu NGUDJOLO which the Prosecution objects to reintroducing are highlighted in red in "track changes". This Third Formatted Arrest Warrant Application also contains, as ordered by the Single Judge, the reference to the former paragraph numbering used in the Initial Arrest Warrant Application, in parentheses. The Prosecution draws the attention of the Single Judge to the suggested amended wording of paragraph 21, highlighted in blue, for coherency purposes.

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<sup>1</sup> ICC-01/04-01-07-T-6-CONF-EXP-ENG [25Oct2007Edited], p. 46, lines 23-25 and p. 47, lines 1-11.

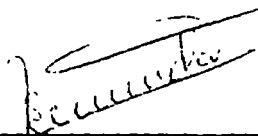
<sup>2</sup> ICC-01/04-01-07-T-6-CONF-EXP-ENG [25Oct2007Edited], p. 62, lines 9-15 and 21-25 and p. 63, lines 1-4.

<sup>3</sup> ICC-01/04-01/07-31-US-Exp and ICC-01/04-01/07-33-US-Exp.

### **Request for Sealing**

The Prosecution requests that this application be received by the Single Judge under seal since it relates to material that is currently under seal.

The Prosecution respectfully submits the Third Formatted Arrest Warrant Application appended as Annexes A and B, pursuant to the directions given by the Single Judge during the Hearing.

  
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Luis Moreno-Ocampo  
Prosecutor

Dated this 2<sup>nd</sup> day of November 2007

At The Hague, The Netherlands