

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/07
Date: 5 November 2007

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

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

Public Document

**DECISION TO UNSEAL AND RECLASSIFY CERTAIN DOCUMENTS IN THE
RECORD OF THE CASE AGAINST GERMAIN KATANGA**

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Mrs Fatou Bensouda
Mr Éric MacDonald

Mr Germain Katanga

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

NOTING the Warrant of Arrest for Germain Katanga, issued by Pre-Trial Chamber I (“the Chamber”) on 2 July 2007;¹

NOTING the “Decision to unseal the warrant of arrest against Germain Katanga”, issued by the Single Judge on 18 October 2007;²

NOTING the “Information to the Chamber on the execution of the Request for the arrest and surrender of Germain Katanga”, filed by the Registry on 22 October 2007;³

NOTING the public hearing held by the Chamber on 22 October 2007 for the first appearance of Germain Katanga following his arrest and surrender to the Court,⁴ in which Judge Sylvia Steiner was designated as single judge in the case of the *Prosecutor v. Germain Katanga* from 22 October 2007 onwards;⁵

NOTING the *ex parte* and in camera hearing held on 25 October 2007 with the Prosecution and the representatives of the Victims and Witnesses Unit, in which reclassification and unsealing matters were dealt with;

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

¹ ICC-01/04-01/07-1.

² ICC-01/04-01/07-24.

³ ICC-01/04-01/07-40-Conf-Exp and Anx1 to Anx9.

⁴ ICC-01/04-01/07-26.

⁵ ICC-01-04-01-07-T-5-ENG[22Oct2007Edited], page 30, lines 5 to 7.

CONSIDERING that no compelling reason has been presented before the Single Judge to depart from the practice followed in the case of *The Prosecutor v. Thomas Lubanga Dyilo* in relation to the publicity of the existence of a formatted version of the Prosecution Application for a warrant of arrest against Germain Katanga;⁶

CONSIDERING that Germain Katanga has already been notified of the cooperation request sent to the Democratic Republic of Congo for the purpose of obtaining the identification, tracing, freezing and seizure of his property and assets;⁷ that, therefore, the confidentiality of this information does not any longer facilitate the execution of the cooperation request; and that in the case of *The Prosecutor v. Thomas Lubanga Dyilo* this information was also made public;⁸

CONSIDERING that article 67 (1) of the Statute embraces the principle of public hearings, and that regulation 8 (c) of the Regulations requires all “[D]ecisions and orders of the Court and other particulars of each case brought before the Court as described in rule 15” to be published on the website of the Court;

CONSIDERING that the protection of victims and witnesses and the confidentiality of information require (i) certain additional redactions in some of the relevant documents before they become public; or (ii) the filing of public notes which are limited to a general explanation of the content of such documents;

FOR THESE REASONS

⁶ ICC-01/04-01/06-37, p. 4.

⁷ ICC-01/04-01/07-40-Conf-Exp-Anx3.4, p. 3, and ICC-01/04-01/07-40-Conf-Exp-Anx3.7, p. 1.

⁸ ICC-01/04-01/06-42, p. 7.

DECIDE that the following documents shall remain under seal and “ex parte, Prosecution only” until otherwise ordered by the Chamber:

ICC-01/04-01/07-2-US-Exp;

ICC-01/04-01/07-3-US-Exp;

ICC-01/04-01/07-4-US-Exp;

ICC-01/04-01/07-5-US-Exp;

ICC-01/04-01/07-11-US-Exp;

ICC-01/04-01/07-12-US-Exp;

ICC-01/04-01/07-13-US-Exp;

ICC-01/04-01/07-21-US-Exp;

ICC-01/04-01/07-23-US-Exp, and ICC-01/04-01/07-23-US-Exp-AnxA;

ICC-01/04-01/07-29-US-Exp;

ICC-01/04-01/07-30-US-Exp;

ICC-01/04-01/07-31-US-Exp;

ICC-01/04-01/07-32-US-Exp, ICC-01/04-01/07-32-US-Exp-Anx; ICC-01/04-01/07-32-US-Exp-Anx1; ICC-01/04-01/07-32-US-Exp-Anx2; ICC-01/04-01/07-32-US-Exp-Anx3; ICC-01/04-01/07-32-US-Exp-Anx4; ICC-01/04-01/07-32-US-Exp-Anx5; ICC-01/04-01/07-32-US-Exp-Anx6; ICC-01/04-01/07-32-US-Exp-Anx7; ICC-01/04-01/07-32-US-Exp-Anx8; ICC-01/04-01/07-32-US-Exp-Anx9; ICC-01/04-01/07-32-US-Exp-Anx10; ICC-01/04-01/07-32-US-Exp-AnxA; ICC-01/04-01/07-32-US-Exp-AnxB; ICC-01/04-01/07-32-US-Exp-AnxC; ICC-01/04-01/07-32-US-Exp-AnxD; ICC-01/04-01/07-32-US-Exp-AnxE; ICC-01/04-01/07-32-US-Exp-AnxF; ICC-01/04-01/07-32-US-Exp-AnxG and ICC-01/04-01/07-32-US-Exp-AnxH;

ICC-01/04-01/07-33-US-Exp;

ICC-01/04-01/07-35-US-Exp;

ICC-01/04-01/07-37-US-Exp; ICC-01/04-01/07-37-US-Exp-Anx1; ICC-01/04-01/07-37-US-Exp-Anx2; ICC-01/04-01/07-37-US-Exp-Anx3; ICC-01/04-01/07-37-US-Exp-Anx4; ICC-01/04-01/07-37-US-Exp-Anx5; ICC-01/04-01/07-37-US-Exp-Anx6; ICC-01/04-01/07-37-US-Exp-Anx10; ICC-01/04-01/07-37-US-Exp-Anx11; ICC-01/04-01/07-37-US-Exp-Anx12; ICC-01/04-01/07-37-US-Exp-Anx13 and ICC-01/04-01/07-37-US-Exp-Anx14;

ICC-01/04-01/07-38-US-Exp.

DECIDE to unseal the following documents:

ICC-01/04-01/07-6-US;

ICC-01/04-01/07-7-US-Exp;

ICC-01/04-01/07-8-US-Exp;

ICC-01/04-01/07-9-US-Exp;

ICC-01/04-01/07-10-US-Exp;

ICC-01/04-01/07-11-US-Exp-Anx1, ICC-01/04-01/07-11-US-Exp-Anx1.1, ICC-01/04-01/07-11-US-Exp-Anx1.2, ICC-01/04-01/07-11-US-Exp-Anx1.3, ICC-01/04-01/07-11-US-Exp-Anx1.4, ICC-01/04-01/07-11-US-Exp-Anx1.5, ICC-01/04-01/07-11-US-Exp-Anx1.6, ICC-01/04-01/07-11-US-Exp-Anx1.7, ICC-01/04-01/07-11-US-Exp-Anx1.8, ICC-01/04-01/07-11-US-Exp-Anx1.9, ICC-01/04-01/07-11-US-Exp-Anx1.A, ICC-01/04-01/07-11-US-Exp-Anx1.B, ICC-01/04-01/07-11-US-Exp-Anx1.C, ICC-01/04-01/07-11-US-Exp-Anx1.D, ICC-01/04-01/07-11-US-Exp-Anx1.E, ICC-01/04-01/07-11-US-Exp-Anx1.F, ICC-01/04-01/07-11-US-Exp-Anx1.G, ICC-01/04-01/07-11-US-Exp-Anx1.H, ICC-01/04-01/07-11-US-Exp-Anx2, ICC-01/04-01/07-11-US-Exp-Anx2.1, ICC-01/04-01/07-11-US-Exp-Anx2.2, ICC-01/04-01/07-11-US-Exp-Anx2.3, ICC-01/04-01/07-11-US-Exp-Anx2.4, ICC-01/04-01/07-11-US-Exp-Anx2.5, ICC-01/04-01/07-11-US-Exp-Anx2.6, ICC-01/04-01/07-11-US-Exp-Anx2.7, ICC-01/04-01/07-11-US-Exp-Anx2.8, ICC-01/04-01/07-11-US-Exp-Anx2.9, ICC-01/04-01/07-11-US-Exp-Anx2.A, ICC-01/04-01/07-11-

US-Exp-Anx2.B, ICC-01/04-01/07-11-US-Exp-Anx2.C, ICC-01/04-01/07-11-US-Exp-Anx2.D, ICC-01/04-01/07-11-US-Exp-Anx2.E, ICC-01/04-01/07-11-US-Exp-Anx2.F, ICC-01/04-01/07-11-US-Exp-Anx2.G, and ICC-01/04-01/07-11-US-Exp-Anx2.H;

ICC-01/04-01/07-14-US-Exp, and ICC-01/04-01/07-14-US-Exp-AnxA;

ICC-01/04-01/07-15-US-Exp;

ICC-01/04-01/07-16-US-Exp;

ICC-01/04-01/07-17-US-Exp;

ICC-01/04-01/07-18-US-Exp, ICC-01/04-01/07-18-US-Exp-Anx1, ICC-01/04-01/07-18-US-Exp-Anx2, ICC-01/04-01/07-18-US-Exp-Anx3 and ICC-01/04-01/07-18-US-Exp-Anx4;

ICC-01/04-01/07-19-US-Exp;

ICC-01/04-01/07-20-US-Exp, ICC-01/04-01/07-20-US-Exp-Anx1, ICC-01/04-01/07-20-US-Exp-Anx2 and ICC-01/04-01/07-20-US-Exp-Anx3;

ICC-01/04-01/07-22-US-Exp;

ICC-01/04-01/07-23-US-Exp-AnxB and ICC-01/04-01/07-23-US-Exp-AnxC;

ICC-01/04-01/07-25-US-Exp;

ICC-01/04-01/07-27-US-Exp;

ICC-01/04-01/07-28-US-Exp;

ICC-01/04-01/07-42-US-Exp; ICC-01/04-01/07-42-US-Exp-Anx1; ICC-01/04-01/07-42-US-Exp-Anx2; ICC-01/04-01/07-42-US-Exp-Anx3 and ICC-01/04-01/07-42-US-Exp-Anx4;

ICC-01/04-01/07-43-US-Exp; ICC-01/04-01/07-43-US-Exp-Anx1; ICC-01/04-01/07-43-US-Exp-Anx2; ICC-01/04-01/07-43-US-Exp-Anx3 and ICC-01/04-01/07-43-US-Exp-Anx4.

DECIDE that the following documents in the record of the case against Germain Katanga shall be reclassified as confidential and “ex parte, Prosecution only”:

ICC-01/04-01/07-10-US-Exp;

ICC-01/04-01/07-11-US-Exp-Anx1, ICC-01/04-01/07-11-US-Exp-Anx1.1, ICC-01/04-01/07-11-US-Exp-Anx1.2, ICC-01/04-01/07-11-US-Exp-Anx1.3, ICC-01/04-01/07-11-US-Exp-Anx1.4, ICC-01/04-01/07-11-US-Exp-Anx1.5, ICC-01/04-01/07-11-US-Exp-Anx1.6, ICC-01/04-01/07-11-US-Exp-Anx1.7, ICC-01/04-01/07-11-US-Exp-Anx1.8, ICC-01/04-01/07-11-US-Exp-Anx1.9, ICC-01/04-01/07-11-US-Exp-Anx1.A, ICC-01/04-01/07-11-US-Exp-Anx1.B, ICC-01/04-01/07-11-US-Exp-Anx1.C, ICC-01/04-01/07-11-US-Exp-Anx1.D, ICC-01/04-01/07-11-US-Exp-Anx1.E, ICC-01/04-01/07-11-US-Exp-Anx1.F, ICC-01/04-01/07-11-US-Exp-Anx1.G, ICC-01/04-01/07-11-US-Exp-Anx1.H, ICC-01/04-01/07-11-US-Exp-Anx2, ICC-01/04-01/07-11-US-Exp-Anx2.1, ICC-01/04-01/07-11-US-Exp-Anx2.2, ICC-01/04-01/07-11-US-Exp-Anx2.3, ICC-01/04-01/07-11-US-Exp-Anx2.4, ICC-01/04-01/07-11-US-Exp-Anx2.5, ICC-01/04-01/07-11-US-Exp-Anx2.6, ICC-01/04-01/07-11-US-Exp-Anx2.7, ICC-01/04-01/07-11-US-Exp-Anx2.8, ICC-01/04-01/07-11-US-Exp-Anx2.9, ICC-01/04-01/07-11-US-Exp-Anx2.A, ICC-01/04-01/07-11-US-Exp-Anx2.B, ICC-01/04-01/07-11-US-Exp-Anx2.C, ICC-01/04-01/07-11-US-Exp-Anx2.D, ICC-01/04-01/07-11-US-Exp-Anx2.E, ICC-01/04-01/07-11-US-Exp-Anx2.F, ICC-01/04-01/07-11-US-Exp-Anx2.G, and ICC-01/04-01/07-11-US-Exp-Anx2.H;

ICC-01/04-01/07-14-US-Exp and ICC-01/04-01/07-14-US-Exp-AnxA;

ICC-01/04-01/07-15-US-Exp;

ICC-01/04-01/07-18-US-Exp, ICC-01/04-01/07-18-US-Exp-Anx1, ICC-01/04-01/07-18-US-Exp-Anx2, ICC-01/04-01/07-18-US-Exp-Anx3 and ICC-01/04-01/07-18-US-Exp-Anx4;

ICC-01/04-01/07-19-US-Exp;

ICC-01/04-01/07-20-US-Exp, ICC-01/04-01/07-20-US-Exp-Anx1, ICC-01/04-01/07-20-US-Exp-Anx2 and ICC-01/04-01/07-20-US-Exp-Anx3;

ICC-01/04-01/07-23-US-Exp-AnxB and ICC-01/04-01/07-23-US-Exp-AnxC;

ICC-01/04-01/07-42-US-Exp; ICC-01/04-01/07-42-US-Exp-Anx1; ICC-01/04-01/07-42-US-Exp-Anx2; ICC-01/04-01/07-42-US-Exp-Anx3 and ICC-01/04-01/07-42-US-Exp-Anx4;

ICC-01/04-01/07-43-US-Exp; ICC-01/04-01/07-43-US-Exp-Anx1; ICC-01/04-01/07-43-US-Exp-Anx2; ICC-01/04-01/07-43-US-Exp-Anx3 and ICC-01/04-01/07-43-US-Exp-Anx4.

DECIDE that the following documents in the record of the case against Germain Katanga shall be reclassified as confidential:

ICC-01/04-01/07-22-US-Exp;

ICC-01/04-01/07-25-US-Exp;

ICC-01/04-01/07-27-US-Exp;

ICC-01/04-01/07-28-US-Exp;

ICC-01/04-01/07-40-US-Exp; ICC-01/04-01/07-40-US-Exp-Anx1; ICC-01/04-01/07-40-US-Exp-Anx2; ICC-01/04-01/07-40-US-Exp-Anx3; ICC-01/04-01/07-40-US-Exp-Anx3.1; ICC-01/04-01/07-40-US-Exp-Anx3.2; ICC-01/04-01/07-40-US-Exp-Anx3.3; ICC-01/04-01/07-40-US-Exp-Anx3.4; ICC-01/04-01/07-40-US-Exp-Anx3.5; ICC-01/04-01/07-40-US-Exp-Anx3.6; ICC-01/04-01/07-40-US-Exp-Anx3.7; ICC-01/04-01/07-40-US-Exp-Anx4; ICC-01/04-01/07-40-US-Exp-Anx5; ICC-01/04-01/07-40-US-Exp-Anx6; ICC-01/04-01/07-40-US-Exp-Anx7; ICC-01/04-01/07-40-US-Exp-Anx8 and ICC-01/04-01/07-40-US-Exp-Anx9.

DECIDE that the following documents shall be reclassified as public:

ICC-01/04-01/07-6-US;
 ICC-01/04-01/07-7-US-Exp;
 ICC-01/04-01/07-8-US-Exp;
 ICC-01/04-01/07-9-US-Exp;
 ICC-01/04-01/07-16-US-Exp;
 ICC-01/04-01/07-17-US-Exp.

DECIDE that the Chamber shall prepare a confidential redacted version for the Defence of the following documents to be incorporated in the record of the case against Germain Katanga:

ICC-01/04-01/07-5-US-Exp;
 ICC-01/04-01/07-21-US-Exp;
 ICC-01/04-01/07-35-US-Exp.

DECIDE that the Chamber shall prepare a public redacted version of the following documents to be incorporated in the record of the case against Germain Katanga:

ICC-01/04-01/07-2-US-Exp;
 ICC-01/04-01/07-4-US-Exp;
 ICC-01/04-01/07-22-US-Exp;

ICC-01/04-01/07-27-US-Exp;

ICC-01/04-01/07-28-US-Exp;

ICC-01/04-01/07-30-US-Exp;

ICC-01/04-01/07-38-US-Exp.

DECIDE that the Chamber shall prepare a public note explaining the general character of the following documents:

ICC-01/04-01/07-5-US-Exp;

ICC-01/04-01/07-13-US-Exp;

ICC-01/04-01/07-21-US-Exp;

ICC-01/04-01/07-35-US-Exp.

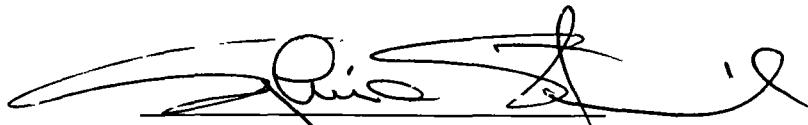
DECIDE that the Prosecution shall file a confidential redacted version for the Defence of the following document:

ICC-01/04-01/07-15-US-Exp (particular attention should be given to paragraphs 5 and 7 and corresponding footnotes).

DECIDE that the Prosecution shall file by Monday 12 November 2007 a public note explaining the general nature of the following documents:

ICC-01/04-01/07-3-US-Exp;
ICC-01/04-01/07-11-US-Exp;
ICC-01/04-01/07-14-US-Exp;
ICC-01/04-01/07-15-US-Exp;
ICC-01/04-01/07-18-US-Exp;
ICC-01/04-01/07-23-US-Exp;
ICC-01/04-01/07-29-US-Exp;
ICC-01/04-01/07-37-US-Exp;
ICC-01/04-01/07-42-US-Exp;
ICC-01/04-01/07-43-US-Exp.

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



Judge Sylvia Steiner
Single Judge

Dated this Monday 5 November 2007

At The Hague

The Netherlands