

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/07
Date: 11 December 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***

PUBLIC DOCUMENT

**Decision on Urgent Application for Confined Variation of the First Decision on
Redactions**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mrs Fatou Bensouda, Deputy Prosecutor
Mr Éric MacDonald, Trial Lawyer
Mrs Florence Darques-Lane, Legal Adviser

Counsel for the Defence

Mr David Hooper

I, Sylvia Steiner, judge at the International Criminal Court ("the Court")

NOTING the "First Decision on the Prosecution Request for Authorization to Redact Witnesses Statements" ("the First Decision on Redactions")¹ by which the Chamber partially granted the Prosecution's request for authorisation to redact information in the interview notes and statements of witnesses 1, 3, 7, 8, 12, 13 and 14, and ordered the Prosecution to disclose such interview notes and statements to the Defence by 12 December 2007;

NOTING the "Prosecution's Application for Leave to Appeal and Urgent Application for Confined Variation of the First Decision on Redaction of Witnesses Statements"² ("the Prosecution Request for Leave to Appeal") filed by the Prosecution on 10 December 2007, by which the Prosecution requests that the Single Judge (i) grant leave to appeal the issues pursuant to article 82(1)(d) of the Rome Statute ("the Statute"); and (ii) authorize the Prosecution to provisionally maintain the redactions concerning third innocent parties, the identities of the OTP and VWU personnel present during the interviews of the relevant witnesses and the locations where such interviews took place,³ in order not to render the Prosecution Leave to Appeal moot;

NOTING article 82(1)(d) of the Statute, rule 155 of the Rules of Procedure and Evidence, and regulation 65 of the Regulations of the Court ("the Regulations");

¹ ICC-01/04-01/07-84-US-Exp, filed on 3 December 2007, and its "confidential, ex parte only available to Office of Prosecution and the Defence" version, ICC-01/04-01/07-88-Conf.Exp., issued on 6 December 2007, and its "public redacted version", ICC-01/04-01/07-90, filed on 7 December 2007.

² ICC-01-04/01-07-92-Conf.

³ ICC-01/04-01/07-18-US-Exp, ICC-01/04-01/07-42-Conf-Exp, and ICC-01/04-01/07-Conf-Exp.

CONSIDERING that the deadline imposed to the Prosecution in the First Decision on Redactions in relation to the authorised redacted versions of the interview notes and statements of witnesses 1, 3, 7, 8, 12 13 and 14 is set for 12 December 2007; and that the deadline provided for in regulation 65 of the Regulations for the Defence to respond to the Prosecution's Request for Leave to Appeal will only expire on 14 December 2007;

CONSIDERING that the disclosure of the interview notes and statements of the above-mentioned witnesses as decided by the Single Judge in the First Decision on Redactions prior to a decision on the Prosecution's Request for Leave to Appeal shall effectively preempt the subject of the Prosecution request;

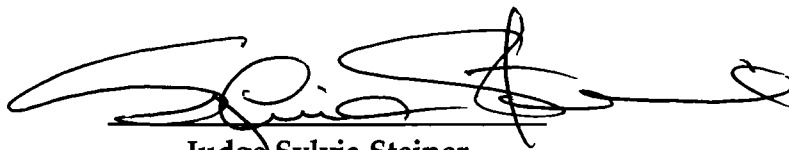
CONSIDERING however that the disclosure of the said interview notes and witnesses statements as requested in the Prosecution Request for Leave to Appeal would allow the Defence to immediately start its preparation for the confirmation hearing;

FOR THESE REASONS

DECIDE to authorize the Prosecution to provisionally maintain those redactions to the interview notes and statements of witnesses 1, 3, 7, 8, 12, 13 and 14, which the Prosecution requested to protect third innocent parties, the identities of OTP and VWU personnel present during the interviews of such witnesses, and the location of the interviews;

DECIDE to grant the Prosecution an extension of 24 hours for the implementation of the First Decision on Redactions with the variations provided for in the present decision.

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



Judge Sylvia Steiner
Single judge

Dated this Tuesday 11 December 2007

At The Hague (the Netherlands)