

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/07

Date: 29 January 2008

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***

Confidential

Notice to the Defence of Document ICC-01/04-01/07-165-Conf-Exp

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Mr Éric MacDonald, Trial Lawyer

Counsel for the Defence

Mr David Hooper, Lead Counsel

Ms Caroline Buisman, Co-counsel

The Registrar of the International Criminal Court (the Court);

NOTING that during the hearing of 25 October 2007, the Single Judge held, taking into account the decision of the Appeals Chamber¹ on this issue, that in practice when an *ex parte* document is filed, a notice of the existence of this document should be filed unless the notice itself can put the content at risk ²;

NOTING Regulation 23 *bis* of the Regulations of the Court;

CONSIDERING that the title of the initial filing³ does not put the content of the document at risk;

CONSIDERING that in the abovementioned hearing the Single Judge ruled that victims participating in the proceedings would not have access to confidential documents unless otherwise decided by the Chamber;⁴

SUBMITS the following notice to the Defence.

1. On 25 January 2008, the Registrar filed on a confidential basis, *ex parte* available to the Prosecution only, a document registered as "Victims and Witnesses Unit report on the reasons for rejection".

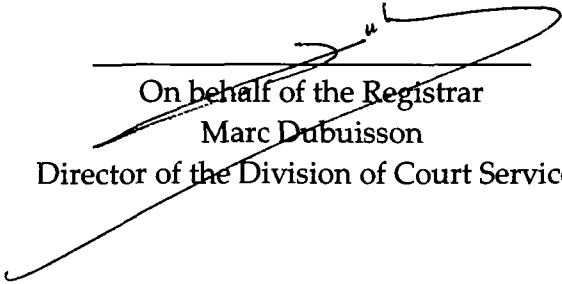
¹ ICC-01/04-01/06-568, 13 October 2006.

² ICC-01-04-01-07-T-6-Conf-Exp, page 5, 25 October 2007.

³ ICC-01/04-01/07-138-Conf-Exp, 10 January 2008.

⁴ ICC-01-04-01-07-T-6-Conf-Exp, page 6, 25 October 2007.

2. The document was registered under the case number ICC-01/04-01/07-165-Conf-Exp.



On behalf of the Registrar
Marc Dubuisson
Director of the Division of Court Services

Dated this 29 January 2008

At The Hague, The Netherlands