

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/07
Date: 5 February 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***

**URGENT
Public Document**

Order Concerning Notification of Second Decision on Redactions

The Office of the Prosecutor

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

Counsel for the Defence

Mr David Hooper
Mr Göran Sluiter
Ms Caroline Buisman

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

NOTING the "Decision on the Prosecution Request for Authorisation to Redact Statements of Witnesses 4 and 9" issued by the Single Judge on 21 December 2007 ("the Second Decision on Redactions"), for which two versions were filed on that day: a confidential *ex parte* version only available to the Prosecution¹ and a confidential available to the Defence;²

NOTING the Single Judge's "Decision on the Starting date of the Timelimit provided for in Rule 155 of the Rules in relation to the Decisions Issued on 21 December 2007"³ ("21 December 2007 Decision");

NOTING the Public Redacted Version of the "Decision on the Prosecution Request for Authorisation to Redact Statements of Witnesses 4 and 9"⁴ issued by the Single Judge on 23 January 2008 ("the 23 January 2008 Decision");

NOTING The Defence Application for Leave to Appeal the "Decision on the Prosecution Request for Authorisation to Redact Statements of Witness 4 and 9"⁵ ("the Defence in its Application for Leave to Appeal") filed on 29 January 2008;

NOTING the "Prosecution's Response to Defence Application for Leave to Appeal the 'Decision on the Prosecution Request for Authorisation to Redact Statements of Witnesses 4 and 9'"⁶ filed on 4 February 2008;

NOTING articles 54, 61, 67 and 82(1)(d) of the *Rome Statute* ("the Statute"), rules 76 to 83, 87, 88, 121 and 155 of the *Rules of Procedure and Evidence* ("the Rules") and regulation 31(2) of the Regulations of the Court ("the Regulations");

¹ ICC-01/04-01-07-123-Conf-Exp.

² ICC-01/04-01-07-124-Conf.

³ ICC 01/04-01/07-128.

⁴ ICC-01/04-01-07-160.

⁵ ICC-01/04-01-07-169.

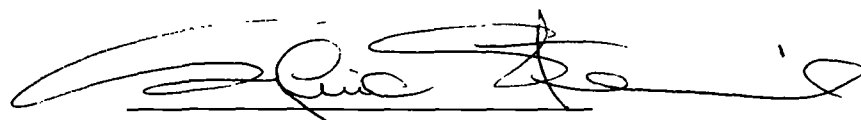
⁶ ICC 01/04-01-07-177.

CONSIDERING that the Single Judge issued the “confidential available to the Defence” version of the Second Decision on Redactions on 21 December 2007; and that, therefore, it should have been immediately notified by the Registry to the Prosecution and the Defence;

FOR THESE REASONS,

ORDER the Registrar to file by Thursday 7 February 2008 at 16.00 hours in the record of the case *The Prosecutor v. Germain Katanga*: (i) information on how and when the Prosecution and the Defence were notified of the “confidential available to the Defence” version of the Second Decision on Redactions; and (ii) any record in his possession relating to such notification.

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



Judge Sylvia Steiner
Single Judge

Dated this Tuesday 5 February 2008

At The Hague, The Netherlands