

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/07
Date: 14 February 2008

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 with confidential *ex parte* Annex only available to the Prosecution
URGENT**

Decision Convening a Hearing on 18 February 2008

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mrs 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, Judge Sylvia Steiner, judge at the International Criminal Court (the “Court”);

NOTING the warrant of arrest against Germain Katanga¹ issued by Pre-Trial Chamber I (“the Chamber”) on 2 July 2007;

NOTING the “Decision to unseal and reclassify certain documents in the record of the case against Germaine Katanga”² issued by the Chamber on 5 November 2007;

NOTING the “Prosecution’s Urgent Application Pursuant to Regulations 90, 99(2) and 101(2) of the Court”³ filed by the Prosecution on 7 February 2008;

NOTING the “Decision on the Prosecution’s Urgent Application Pursuant to Regulations 90, 99(2) and 101(2) of the Regulations of the Court”⁴ (“the Decision on the Provisional Regime”) issued by the Chamber on 7 February 2008;

NOTING articles 57 (3) (c), 67 (1) and 68 (1) of the Statute, rules 87 (2) (c), 88 (4), 90, 99 and 101 of the Rules of Procedure and Evidence (“the Rules”), regulation 8 (c) of the Regulations of the Court (“the Regulations”) and regulation 201 to 204 of the Regulations of the Registry;

CONSIDERING that both Mathieu Ngudjolo Chui and Germain Katanga are presently being detained at the Detention Centre of the Court and that it is not necessary to maintain the seal on certain documents in the record of the case of *The Prosecutor v. Germain Katanga*;

¹ ICC-01/04-01/07-1.

² ICC 01/04-01/07-53.

³ ICC-01/04-02/07-181-Conf.

⁴ ICC-01/04-01/07-187.

CONSIDERING that there is a need to obtain the views of the Prosecution about the possible reclassification of the level of confidentiality of certain *ex parte* documents contained in the record of the case of *The Prosecutor v. Germain Katanga*;

CONSIDERING that documents ICC-01/04-01/07-192-Conf-Exp and ICC-01/04-01/07-192-Conf-Exp-Anx filed "*ex parte* Registry" by the Registry on 12 February 2008 relate to the Prosecution's Urgent Application and to the implementation of the Decision on the Provisional Regime;

FOR THESE REASONS

DECIDE to convene a hearing *ex parte* and in closed session with the Prosecution and the representatives of the Registry on Monday 18 February 2008 at 11h00 in the Pre-Trial Courtroom, in which matters concerning the unsealing and reclassification of the documents in the record of the case of *The Prosecutor vs. Germaine Katanga* will be discussed as proposed by the Single Judge in the annex 1, confidential *ex parte* only available to the Prosecution;

DECIDE that document ICC-01/04-01/07-25-Conf-Exp be reclassified as confidential and that the Registrar shall file by Friday 15 February 2008 at 4.00 p.m. a public note explaining the general nature of the document;

DECIDE that:

- 1) the level of confidentiality of document ICC-01/04-01/07-192-Conf-Exp remains unchanged;

- 2) the document ICC-01/04-01/07-192-Conf-Exp-Anx be reclassified as confidential and be notified to the parties as soon as practicable;
- 3) the Registrar shall file a confidential redaction version of documents ICC-01/04-01/07-192-Conf-Exp to be notified to the parties by Friday 15 February 2008 at 4.00 p.m.; and
- 4) the Registrar shall file by Friday 15 February 2008 at 4.00 p.m. a public note of document ICC-01/04-01/07-192-Conf-Exp explaining its general nature;

DECIDE to give the Prosecution until Monday 18 February 2008 at 4.00 p.m. to submit observations on its request for prohibition of any contact between Germain Katanga and Mathieu Ngudjolo Chui on the basis of the confidential redacted version of document ICC-01/04-01/07-192-Conf-Exp and its confidential annex;

DECIDE to give to the Defence until Wednesday 20 February 2008 at 4.00 p.m. to submit any additional observations on the Prosecution request for prohibition of any contact between Germain Katanga and Mathieu Ngudjolo Chui and on the basis of the confidential redacted version of document ICC-01/04-01/07-192-Conf-Exp and its confidential annex;

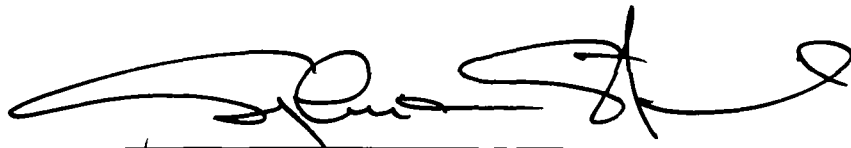
DECIDE that:

- 1) the level of confidentiality of document ICC-01/04-01/07-165-Conf-Exp remains unchanged;
- 2) the document ICC-01/04-01/07-165-Conf-Exp-Anx be reclassified as confidential and be notified to the parties as soon as practicable;
- 3) the Registry shall file by Friday 15 February 2008 at 4.00 p.m. a public note of document ICC-01/04-01/07-165-Conf-Exp explaining its general nature;

DECIDE that the Defence shall file its observations by no later than Monday 18 February 2008 at 4.00 p.m. on the reclassification as public of the following documents:

- i) ICC-01/04-01/07-95-Conf; and
- ii) ICC-01/04-01/07-141-Conf.

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



Judge Sylvia Steiner
Single Judge

Dated this Thursday 14 February 2008

At The Hague

The Netherlands