

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/07
Date: 20 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 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, 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 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 “Decision to Unseal and Reclassify Certain Documents in the Record of the Case against Germain Katanga”³ issued by the Single Judge on 5 November 2007;

NOTING the “Decision Convening a Hearing on 18 February 2008”⁴ issued by the Single Judge on 14 February 2008;

NOTING the *ex parte* and in closed session hearing held on 18 February 2008 with the Prosecution and the representatives of the Registry, in which reclassification and unsealing matters were dealt with;

NOTING the “Defence observations on the reclassification as public of documents (i) ICC-01/04-01/07-95-Conf and (ii) ICC-01/04-01/07-141-Conf”⁵ filed by the Defence on 18 February 2008;

¹ ICC-01/04-01/07-1.

² ICC-01/04-01/07-24.

³ ICC-01/04-01/07-53.

⁴ ICC-01/04-01/07-197.

⁵ ICC-01/04-01/07-204.

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”);

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

DECIDE to unseal the following documents:

ICC-01/04-01/07-2-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; 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-01/04-01/07-50-US-Exp; ICC-01/04-01/07-50-US-Exp-AnxA; and ICC-01/04-01/07-50-US-Exp-AnxB;

ICC-01/04-01/07-61-US-Exp; and ICC-01/04-01/07-61-US-Exp-Anx;

ICC-01/04-01/07-84-US-Exp; and ICC-01/04-01/07-84-US-Exp-Anx1;

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

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

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

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

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

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-01/04-01/07-37-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-01/04-01/07-50-US-Exp-AnxA; and ICC-01/04-01/07-50-US-Exp-AnxB;

ICC-01/04-01/07-61-US-Exp; and ICC-01/04-01/07-61-US-Exp-Anx;

ICC-01/04-01/07-84-US-Exp; and ICC-01/04-01/07-84-US-Exp-Anx1;

ICC-01/04-01/07-171-Conf-Exp-Anx1; ICC-01/04-01/07-171-Conf-Exp-Anx2;

ICC-01/04-01/07-171-Conf-Exp-Anx3; ICC-01/04-01/07-171-Conf-Exp-Anx4;

ICC-01/04-01/07-171-Conf-Exp-Anx5; ICC-01/04-01/07-171-Conf-Exp-Anx6;

ICC-01/04-01/07-171-Conf-Exp-Anx7; ICC-01/04-01/07-171-Conf-Exp-Anx8;

ICC-01/04-01/07-171-Conf-Exp-Anx9; ICC-01/04-01/07-171-Conf-Exp-Anx10;

ICC-01/04-01/07-171-Conf-Exp-Anx11; and ICC-01/04-01/07-171-Conf-Exp-Anx 12;

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

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

ICC-01/04-01/07-11-Conf-Exp-Anx1.A; and ICC-01/04-01/07-11-Conf-Exp-Anx2.A;

ICC-01/04-01/07-14-Conf-Exp;

ICC-01/04-01/07-32-US-Exp-AnxA;

ICC-01/04-01/07-88-Conf-Exp; and

ICC-01/04-01/07-159-Conf-Exp-AnxA;

DECIDE that the following documents shall be reclassified as public:

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

ICC-01/04-01/07-11-Conf-Exp-Anx1.1-9; ICC-01/04-01/07-11-Conf-Exp-Anx1.1;

ICC-01/04-01/07-11-Conf-Exp-Anx1.2; ICC-01/04-01/07-11-Conf-Exp-Anx1.3;

ICC-01/04-01/07-11-Conf-Exp-Anx1.4; ICC-01/04-01/07-11-Conf-Exp-Anx1.5;

ICC-01/04-01/07-11-Conf-Exp-Anx1.6; ICC-01/04-01/07-11-Conf-Exp-Anx1.7;

ICC-01/04-01/07-11-Conf-Exp-Anx1.8; ICC-01/04-01/07-11-Conf-Exp-Anx1.9;

ICC-01/04-01/07-11-Conf-Exp-Anx2.1-9; ICC-01/04-01/07-11-Conf-Exp-Anx2.1;

ICC-01/04-01/07-11-Conf-Exp-Anx2.2; ICC-01/04-01/07-11-Conf-Exp-Anx2.3;

ICC-01/04-01/07-11-Conf-Exp-Anx2.4; ICC-01/04-01/07-11-Conf-Exp-Anx2.5;

ICC-01/04-01/07-11-Conf-Exp-Anx2.6; ICC-01/04-01/07-11-Conf-Exp-Anx2.7;

ICC-01/04-01/07-11-Conf-Exp-Anx2.8; and ICC-01/04-01/07-11-Conf-Exp-Anx2.9;

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

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

ICC-01/04-01/07-27-Conf;

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

ICC-01/04-01/07-30-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; and ICC-01/04-01/07-32-US-Exp-Anx10;

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

ICC-01/04-01/07-37-US-Exp;

ICC-01/04-01/07-38-Conf-Exp;

ICC-01/04-01/07-49-Conf-Anx1; and ICC-01/04-01/07-49-Conf-Anx2;

ICC-01/04-01/07-50-US-Exp;

ICC-01/04-01/07-56-Conf;

ICC-01/04-01/07-57-Conf;

ICC-01/04-01/07-89-Conf-Exp;

ICC-01/04-01/07-93-Conf-Exp;

ICC-01/04-01/07-95-Conf;

ICC-01/04-01/07-100-Conf-Exp-AnxA;

ICC-01/04-01/07-101-Conf-Exp-AnxA;

ICC-01/04-01/07-129-Conf-Anx; ICC-01/04-01/07-129-Conf-Anx1; ICC-01/04-01/07-129-Conf-Anx2; ICC-01/04-01/07-129-Conf-Anx3; ICC-01/04-01/07-129-Conf-Anx4; ICC-01/04-01/07-129-Conf-Anx5; ICC-01/04-01/07-129-Conf-Anx6; ICC-01/04-01/07-129-Conf-Anx7; ICC-01/04-01/07-129-Conf-Anx8; and ICC-01/04-01/07-129-Conf-Anx9;

ICC-01/04-01/07-134-Conf-Exp; and ICC-01/04-01/07-134-Conf-Exp-AnxA;

ICC-01/04-01/07-136-Conf-Exp-AnxA;

ICC-01/04-01/07-141-Conf;

ICC-01/04-01/07-146-Conf;

ICC-01/04-01/07-156-Conf-AnxA;

ICC-01/04-01/07-157-Conf-AnxA;

ICC-01/04-01/07-158-Conf-AnxA;

ICC-01/04-01/07-168-Conf;

ICC-01/04-01/07-180-Conf-AnxA; ICC-01/04-01/07-180-Conf-AnxB; ICC-01/04-01/07-180-Conf-AnxC; and ICC-01/04-01/07-180-Conf-AnxD;

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

ICC-01/04-01/07-88-Conf-Exp;

DECIDE that the Prosecution shall file by Monday 25 February 2008 a confidential redacted version for the Defence of the following document to be incorporated in the record of the case against Germain Katanga:

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

DECIDE that the Prosecution shall file by Monday 25 February 2008 a public note explaining the general nature of the following documents:

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

ICC-01/04-01/07-51-Conf-Exp;

ICC-01/04-01/07-147-Conf-Exp;

ICC-01/04-01/07-155-Conf-Exp;

ICC-01/04-01/07-159-Conf-Exp;

ICC-01/04-01/07-181-Conf; and

ICC-01/04-01/07-190-Conf-Exp;

DECIDE that the Registrar shall file by Monday 25 February 2008 a public redacted version of the following document to be incorporated in the record of the case against Germain Katanga:

ICC-01/04-01/07-62-Conf-Anx2;

DECIDE that the Registrar shall file by Monday 25 February 2008 a public note explaining the general nature of the following documents:

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

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

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

ICC-01/04-01/07-20-Conf-Exp;

ICC-01/04-01/07-47-Conf-Exp;

ICC-01/04-01/07-61-US-Exp;

ICC-01/04-01/07-104-Conf;

ICC-01/04-01/07-105-Conf-Exp;

ICC-01/04-01/07-138-Conf-Exp;

ICC-01/04-01/07-171-Conf-Exp; and

ICC-01/04-01/07-184-Conf;

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



Judge Sylvia Steiner
Single Judge

Dated this Wednesday 20 February 2008

At The Hague

The Netherlands