

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original : English

No.: ICC-01/04-02/07

Date: 22 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. MATHIEU NGUDJOLO CHUI***

Public

Public note of document ICC-01/04-02/07-12-Conf

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

Ad hoc Counsel for the Defence

Mr. Jean-Pierre Kilenda Kakengi Basila

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

NOTING the Single Judge’s oral decision ordering the Registrar to file written submissions regarding the modalities of implementation of an order on restriction to contact and communication between Mr. Katanga and Mr. Ngudjolo upon the arrival and until the initial appearance of the latter, (the “Order”)¹;

NOTING the subsequent submissions of the Registrar on 7 February 2008²;

NOTING the Single Judge’s decision on 7 February 2008 to reclassify as confidential the document submitted by the Registrar³;

NOTING the Single Judge’s “Decision to unseal and reclassify certain documents in the record of the case against Mathieu Ngudjolo Chui” on 20 February 2008⁴;

NOTING regulations 23 *bis* (1), 24 *bis* (1) and (4) of the Regulations of the Court;

CONSIDERING that the initial document filed by the Registry as confidential *ex parte* available to the Prosecution only, contains information related to the practicalities of the implementation the Order and aspects of the management of the Detention Centre;

CONSIDERING that the warrant of arrest against Mr. Ngudjolo Chui at the time of the issuance of the Order of the Single Judge was still under seal;

¹ 6 February 2008, ICC-01/04-02/07-T-2-US-Exp-ENG, page 29, lines 1-3.

² ICC-01/04-02/07-12-US, reclassified as CONFIDENTIAL pursuant to decision ICC-01/04-02/07-15.

³ ICC-01/04-02/07-15.

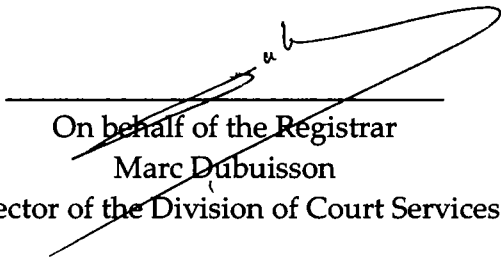
⁴ ICC-01/04-02/07-31.

CONSIDERING that at the time of issuance of the Order by the Single Judge and the filing of observations by the Registry, neither was Mr. Ngudjolo Chui admitted at the Detention Centre nor was his *ad hoc* counsel appointed yet;

CONSIDERING that upon his admission at the Detention Centre, Mr. Ngudjolo Chui was notified the Order of the Single Judge to restrict communication and contact between him and Mr. Katanga;

SUBMITS the following public note:

1. On 7 February 2008, the Registrar filed a document marked confidential *ex parte* available to the Prosecution only, registered as "Observations on the implementation of an order of restriction to communication and contact between Mr. Germain Katanga and Mr. Mathieu Ngudjolo Chui until the initial appearance of the latter";
2. The document was registered under the case number ICC-01/04-02/07-12-US-Exp and has been reclassified as confidential under ICC-01/04-02/07-12-Conf pursuant to the Single Judge's decision on 7 February 2008.



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

Dated this 22 February 2008

At The Hague, The Netherlands