

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 April 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR *v.* Germain Katanga and Mathieu Ngudjolo Chui**

**Public Document
with Confidential *ex parte* Prosecution only Annex**

**Order Requesting the Prosecution to Clarify and Review its Application pursuant
to Rule 81(2) and (4) of the Rules of Procedure and Evidence**

Order to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mr Éric Macdonald, Senior Trial Lawyer

**Counsel for the Defence for Germain
Katanga**

Mr David Hooper
Ms Caroline Buisman

**Counsel for the Defence for Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Ralph Martens acting Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I, Judge Sylvia Steiner, judge at the International Criminal Court (the “Court”);

NOTING the “Prosecution's Application Pursuant to Rule 81(2) and Rule 81(4) for Redactions to Documents to Be Relied Upon at the Confirmation Hearing”¹ (“the Prosecution's Application”) and its confidential *ex parte* annexes, filed by the Prosecution on 21 January 2008, in which the Prosecution requested the authorisation of the Single Judge to redact certain parts of documents the Prosecution intends to rely upon at the confirmation hearing;

NOTING the “Third Decision on the Prosecution Request for Authorisation to Redact materials related to the statements of Witnesses 7, 8, 9, 12 and 14”² (“the Third Decision on Redactions”), issued by the Single Judge on 5 March 2008, and by which the Single Judge decided, in part, on the Prosecution’s Application;

NOTING the “Decision Establishing a Calendar in the Case against Germain KATANGA and Mathieu NGUDJOLO CHUI”,³ issued by the Single Judge on 10 March 2008;

NOTING the *ex parte* and closed session hearing held with the Prosecution and the Victims and Witnesses Unit on 1 April 2008;⁴

NOTING the “Corrigendum to Prosecution’s Application Pursuant to Rule 81(2) and Rule 81(4) for Redactions to Documents to Be Relied Upon at the Confirmation Hearing”,⁵ filed by the Prosecution on 4 April 2008, in which the Prosecution requested further redactions which have been inadvertently omitted in the Prosecution’s Application;

¹ ICC-01/04-01/07-151; ICC-01/04-01/07-151-Conf-Exp-Anx1, and ICC-01/04-01/07-151-Conf-Exp-AnxA-AnxH.

² ICC-01/04-01/07-247-Conf-Exp-Corr; ICC-01/04-01/07-248-Corr and ICC-01/04-01/07-249.

³ ICC-01/04-01/07-259.

⁴ ICC-01/04-01/07-T-22-Conf-Exp-ENG ET.

⁵ ICC-01/04-01/07-368-Conf-Exp.

NOTING articles 57(3) (c), 61(3) and 68 of the *Rome Statute* ("the Statute"), rules 15, 76 to 83, and 121 of the *Rules of Procedure and Evidence* ("the Rules") and regulation 28(1) of the *Regulations of the Court* ("the Regulations");

CONSIDERING that the Single Judge in the Third Decision on Redactions has already decided on a number of the redactions requested in the Prosecution's Application pursuant to rule 81 (2) and 81 (4) of the Rules;

CONSIDERING that, in relation to the remaining requested redactions, the Single Judge has found a number of inconsistencies in the Prosecution's Application; that in Annex I to the present decision, which is issued *ex parte* and available only to the Prosecution, the Single Judge has pointed out some of the aforementioned inconsistencies;

CONSIDERING therefore that, to enable the Single Judge to decide upon the remaining requested redactions in the Prosecution's Application, the Prosecution shall clarify and review its requests for redactions pursuant to rule 81 (2) and (4) of the Rules in light of , but not limited to, Annex I to the present decision;

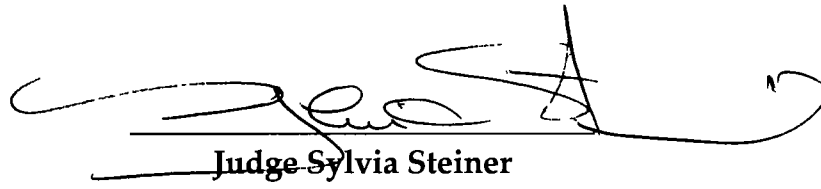
CONSIDERING further that, in light of the number of inconsistencies identified by the Single Judge in particular in relation to Annex H to the Prosecution's Application, the Prosecution shall resubmit the aforementioned annex in light of the clarification and review of its requests for redactions;

FOR THESE REASONS

ORDER the Prosecution to clarify and review its requests for redactions in the Prosecution's Application by Friday 11 April 2008 at 16h00;

ORDER the Prosecution to resubmit, in light of its clarification and review, Annex H to the Prosecution's Application by Friday 11 April 2008 at 16h00.

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



Judge Sylvia Steiner
Single Judge

Dated this Thursday, 10 April 2008

At The Hague, The Netherlands