

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoR-217-02/08

Date: 23 March 2009

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

Public

Order

concerning the “Decision on ‘Mr Mathieu Ngudjolo's Complaint Under Regulation 221(1) of the *Regulations of the Registry* Against the Registrar's Decision of 18 November 2008’”

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

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

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Jean-Pierre Fofé Djofia Malewa

REGISTRY

Registrar

Ms Silvana Arbia

Detention Section

Mr Anders Backman, Chief Custody Officer

Deputy Registrar

Mr Didier Preira

The Presidency of the International Criminal Court,

In the application for judicial review of Mr Mathieu Ngudjolo Chui of 21 November 2008, entitled “Mr Mathieu Ngudjolo’s Complaint Under Regulation 221(1) of the *Regulations of the Registry Against the Registrar’s Decision of 18 November 2008*”;¹

Noting its “Decision on ‘Mr Mathieu Ngudjolo’s Complaint Under Regulation 221(1) of the *Regulations of the Registry Against the Registrar’s Decision of 18 November 2008*” of 10 March 2009 filed with a confidential *ex parte* classification (“Decision”);²

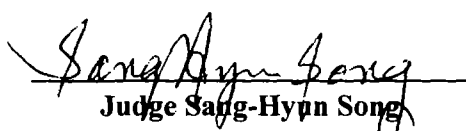
Noting its determination that nothing in the Decision *prima facie* qualifies it as confidential *ex parte* and its ensuing request that Mr Ngudjolo Chui and the Registrar provide information on *inter alia* any factual or legal basis for retaining the confidential *ex parte* classification of the Decision;³

Noting that the submissions of Mr Ngudjolo Chui and the Registrar, of 16 March 2009 and 20 March 2009 respectively, provide no factual or legal basis for retaining the confidential *ex parte* classification of the Decision and do not object to its re-classification as public;⁴

Hereby

Orders the Registrar to re-classify the Decision as public.

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


Judge Sang-Hyun Song
President

Dated this 23 March 2009
 At The Hague, The Netherlands

¹ ICC-RoR217-02/08-3-Conf-Exp.

² ICC-RoR217-02/08-8-Conf-Exp.

³ Decision, paragraph 56.

⁴ Réponse de la Défense à la Présidence quant à la question du maintien de la confidentialité de sa Décision du 10 mars 2009 à la suite de la Requête de Mathieu Ngudjolo Chui introduite sur pied de la Règle 221(1) du Règlement du Greffe contre la Décision du Greffe du 18 Novembre 2008, ICC-RoR217-02/08-9-Conf-Exp, 16 March 2009; Réponse du Greffier relativement à la question de la publicité de la décision de la Présidence en date du 10 mars 2009 sur les visites familiales de M. Mathieu Ngudjolo Chui, ICC-RoR217-02/08-10-Conf-Exp, 20 March 2009.