

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoR221-02/10

Date: 14 April 2010

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, with confidential annex

**Notice concerning Mr Germain Katanga's "Indication de faire objection contre la
décision de madame Greffier datée du 05/Janvier/2010"**

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

Aprodec asbl

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

Mr Jean-Pierre Kilenda Kakengi Basila

Prof Jean-Pierre Fofé Djofia Malewa

Counsel for the Defence of Germain**Katanga**

Mr David Hooper

Mr Andreas O'Shea

Counsel for the Defence of Thomas**Lubanga Dyilo**

Ms Catherine Mabilile

Mr Jean-Marie Biju Duval

Counsel for the Defence of Jean-Pierre**Bemba Gombo**

Mr Nkwebe Liriss

Mr Aimé Kilolo-Musamba

REGISTRY**Registrar**

Ms Silvana Arbia

Detention Section

Mr Anders Backman

Deputy Registrar

Mr Didier Preira

THE PRESIDENCY of the International Criminal Court;

NOTING the Registrar's decision denying the request of the *Association pour la Promotion de la démocratie et du développement de la République Démocratique du Congo, association sans but lucratif* (hereinafter "Aprodec asbl") to visit the detained persons, Messrs. Jean-Pierre Bemba Gombo, Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui (hereinafter "Impugned Decision");¹

NOTING the "Corrigendum, Requête en Annulation de la Décision du Refus de Visite opposé par le Greffier le 5 janvier 2010. Et, Contestation du Comportement et l'Aptitude du Greffier à exercer les Fonction prévues à l'Article 43(1)"² dated 27 January 2010 of Aprodec asbl seeking, *inter alia*, judicial review of the Impugned Decision (hereinafter "Requête");

NOTING the Presidency's "Decision on the admissibility of Aprodec's 'Requête en Annulation de la Décision du Refus de Visite opposé par le Greffier le 5 janvier 2010. Et, Contestation du Comportement et l'Aptitude du Greffier à exercer les Fonction prévues à l'Article 43(1)'" (hereinafter "Decision")³ dated 23 March 2010 which determined that the application for judicial review from Aprodec asbl was inadmissible;

NOTING that in the Decision the Presidency requested the detained persons to give notice to the Presidency if they intended to seek judicial review of the Impugned Decision;⁴

NOTING that on 9 April 2010, Mr Germain Katanga (hereinafter "applicant") gave such notice in a letter annexed hereto (hereinafter "Notice"), in which he indicates that he agrees with the arguments set out at paragraphs 15-36 of the Requête and will expand upon those at paragraphs 31-33 and 41 of the Requête;

NOTING that in the Notice, the applicant states, that in accordance with a previous decision of the Presidency,⁵ "[s]i j'ai bien compris, je dois déposer premièrement cette objection devant le Greffier avant la Présidence. S'il y a une autre procédure, je vous prie de m'indiquer s'il vous plait!" (citations omitted);⁶

RECALLING that whilst that would normally be the case, in its Decision the Presidency determined that "[s]ince the Presidency is already seized of the issue, any application from a detainee may be submitted to it directly",⁷ thus, in these exceptional circumstances, it is unnecessary for the applicant to first seize the Registrar;

NOTING further that since the Notice contains no information about its appropriate classification, the Presidency shall initially classify it as confidential but requests that the applicant, in his forthcoming filing in this matter, sets out any factual or legal basis as to why the Notice should not be made public or whether there is any information requiring redaction prior to any publication;

¹ ICC-RoR221-01/10-1-Conf-Exp-Anx8.

² ICC-RoR221-01/10-1-Corr.

³ ICC-RoR221-01/10-5.

⁴ Decision, paragraphs 18-19.

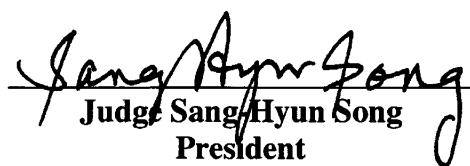
⁵ Decision on the Application of Mr Germain Katanga in respect of the new policy in the detention centre on the registration of telephone contacts, ICC-RoR221-02/09-6-Corr, 17 September 2009.

⁶ Annex, paragraph 4.

⁷ Decision, paragraph 19.

CONSIDERING that the necessity of imposing any time limit for the receipt of the applicant's application for judicial review will be assessed by the Presidency subsequent to the possible receipt of relevant information from Aproxec asbl on 16 April 2010, pursuant to the Decision;

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


Judge Sang-Hyun Song
President

Dated this 14 April 2010

At The Hague, The Netherlands