

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07
Date: 11 February 2011

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***

Confidential

Order concerning the "Decision concerning the Request of Mr Germain Katanga of 14 November 2008 for re-composition of the bench of Trial Chamber II"

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

Ms Fatou Bensouda

Counsel for the Defence for Germain

Katanga

Mr David Hooper

Mr Andreas O'Shea

Legal Representatives of the Victims

Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

Counsel for the Defence for Mathieu

Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Jean-Pierre Fofé Djofia Malewa

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

The Presidency of the International Criminal Court;

In the confidential application of Mr Germain Katanga (hereinafter “applicant”) of 14 November 2008 for review of the composition of Trial Chamber II entitled: “Katanga Defence observations on the composition of the bench”,¹

Noting the Presidency’s urgent confidential “Decision concerning the Request of Mr Germain Katanga of 14 November 2008 for re-composition of the bench of Trial Chamber II” of 21 November 2008 (hereinafter “Decision”),²

Noting that the following confidential documents have also been filed in relation to this matter:

Order concerning the Observations of Mr Germain Katanga on the composition of the bench of 14 November 2008;³ and

Defence Response to the Presidency's Order dated 19 November 2008.⁴

Considering that nothing in the Decision or any other aforementioned document *prima facie* qualifies it as confidential;

Hereby

Orders the applicant to inform the Presidency by 4pm on 7 March 2011 of any factual and legal basis for retaining the confidential classification of the Decision and the other aforementioned documents and whether any information requires redaction prior to publication.

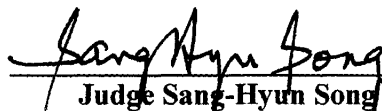
Done in both English and French, the English version being authoritative.

¹ ICC-01/04-01/07-749-Conf.

² ICC-01/04-01/07-757-Conf.

³ ICC-01/04-01/07-751-Conf, 19 November 2008.

⁴ ICC-01/04-01/07-752-Conf, 20 November 2008.



Judge Sang-Hyun Song
President

Dated this 11 February 2011

At The Hague, The Netherlands