

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoR220-01/10

Date: 9 March 2012

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 reclassifying documents related to the “Decision on the ‘Defence Appeal to the Presidency Challenging the *Décision du Greffier sur la ‘Defence request for Review of Registrar’s Decision to Deny Mr. Katanga the Right to communicate with Four Family Members and Friends’*”

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

**Counsel for the Defence for Mr Germain
Katanga**

Mr David Hooper

Mr Andreas O'Shea

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Detention Section

Mr Patrick Craig

Other

Trial Chamber II

The Presidency of the International Criminal Court;

In the application of Mr Germain Katanga (“applicant”) of 16 June 2010 for judicial review of the decision of the Registrar confirming her decision to reject the inclusion of four persons in his telephone contact list (“Application”);¹

Noting the Decision of the Presidency of 16 December 2010 (“Decision”)² on the Application in which the Presidency noted that it would redact the names of the relevant telephone contacts in any publication and, *inter alia*, ordered that the applicant and Registrar indicate and provide reasons for what further information, if any, in the Decision, and in any other documents already filed in relation thereto, should remain confidential;

Noting that the categories of information requiring redaction submitted by the applicant³ (“Applicant’s Submissions”) and Registrar⁴ fall within the following categories: (i) information which could reveal the contacts’ identities;⁵ (ii) information previously designated as confidential by the Court;⁶ and (iii) allegations by the parties, including those which could be prejudicial to the applicant;⁷

Considering that categories (i) and (ii) above require redaction prior to publication;

Considering that with respect to category (iii) that there is ordinarily no need to redact a mere allegation or observation unless it is prejudicial;

¹ Defence Request for Review of Registrar’s Decision to Deny Mr. Katanga the Right to Communicate with Four Family Members and Friends, ICC-RoR220-01/10-1-Conf-Exp.

² Decision on the “Defence Appeal to the Presidency Challenging the *Décision du Greffier sur la ‘Defence Request for Review of Registrar’s Decision to Deny Mr. Katanga the Right to Communicate with Four Family Members and Friends’*”, ICC-RoR220-01/10-4-Conf-Exp.

³ Defence Submissions on the Redactions of the Decision on the “Defence Appeal to the Presidency Challenging the *Décision du Greffier sur la ‘Defence Request for Review of Registrar’s Decision to Deny Mr. Katanga the Right to Communicate with Four Family Members and Friends’*” and Relative Filings, ICC-RoR220-01/10-5-Conf-Exp, 28 January 2011.

⁴ Registrar’s Proposed Redactions Pursuant to Presidency’s Decision of 16 December 2010 (“Registrar’s Submissions”), ICC-RoR220-01/10-6-Conf-Exp, 31 January 2011.

⁵ Applicant’s Submissions, paragraph 3; Registrar’s Submissions, paragraph 1.

⁶ Applicant’s Submissions, paragraph 3; Registrar’s Submissions, paragraphs 3, 5 and 6.

⁷ Applicant’s Submissions, paragraph 3; Registrar’s Submissions, paragraphs 1 and 5.

Considering that there is no reason to retain the confidential and confidential *ex parte* classification of the Decision and related documents;

Hereby

Orders the Registrar to file the attached document as a public redacted version of the Decision (ICC-RoR220-01/10-4-Conf-Exp);

Orders the Registrar to file a public version of the ICC-RoR220-01/10-2-Conf-Exp, incorporating the redactions proposed by herself in ICC-RoR220-01/10-6-Conf-Exp-Anx2 and the redactions proposed at paragraph 4(C), pages 7-8, of the Applicant's Submissions, except for the following which need not be redacted:

- "conformément à la décision de la Présidence sur la nécessité d'une motivation détaillée des décisions" on page 4; and
- "dans sa décision du 17 Septembre 2009" on page 6; and
- the document number "ICC-RoR221-02/09-6-Conf" in footnote 13;

Orders the applicant to file a public version of the following:

ICC-RoR220-01/10-3-Conf-Exp, incorporating the redactions proposed at paragraph 4(B), pages 5-7, of the Applicant's Submissions and the redactions proposed by the Registrar in ICC-RoR220-01/10-6-Conf-Exp-Anx3, except for the following which need not be redacted:

- references to the Presidency decision ICC-RoR221-02/09-6-Conf (e.g. in paragraph 3 and footnote 9), as a public version of this decision is available;

ICC-RoR220-01/10-1-Conf-Exp, incorporating the redactions proposed at paragraph 4(D), pages 8-10, of the Applicant's Submissions and the redactions proposed by the Registrar in ICC-RoR220-01/10-6-Conf-Exp-Anx1, except for the following which need not be redacted:

- references to the Presidency decision ICC-RoR221-02/09-6-Conf (e.g. in paragraph 2 and footnote 2), as a public version of this decision is available;

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



Judge Sang-Hyun Song
President

Dated this 9 March 2012

At The Hague, The Netherlands