



Original: **French**

No.: ICC-01/04-01/07
Date: **14 February 2012**

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

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

Public Document

**Decision on the nature of the “*Procès-verbal de l’opération de transport judiciaire
en République démocratique du Congo*”**

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

Office of the Prosecutor

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

Counsel for Germain Katanga

Mr David Hooper
Mr Andreas O'Shea

Counsel for Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila
Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of Victims

Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

TRIAL CHAMBER II of the International Criminal Court (“the Chamber” and “the Court”, respectively), acting pursuant to articles 64 and 74 of the Rome Statute, decides the following.

1. By e-mail of 27 January 2012, the Chamber transmitted the “*Procès-verbal de l’opération de transport judiciaire en République démocratique du Congo*” prepared by the Registrar to the parties and participants for their observations, and announced its intention to assign an EVD number to this document.
2. By order of 2 February 2012, the Chamber ordered the Registry to register the final version of the *procès-verbal* into the record, but held that in the final analysis, it was not necessary to assign it an EVD number. It is of the view that the “*Procès-verbal de l’opération de transport judiciaire en République démocratique du Congo*”¹ forms a part of “the entire proceedings” in accordance with article 74 of the Rome Statute, as do, for example, transcripts of trial hearings.²

¹ ICC-01/04-01/07-3234-Conf-Anx and ICC-01/04-01/07-3234-Anx-Red (public redacted version).

² See rule 137 of the Rules of Procedure and Evidence and regulation 27 of the Regulations of the Court.

FOR THESE REASONS, THE CHAMBER

DECIDES that the “*Procès-verbal de l’opération de transport judiciaire en République démocratique du Congo*”³ forms a part of “the entire proceedings” in accordance with article 74 of the Rome Statute.

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

[signed]

Judge Bruno Cotte
Presiding Judge

[signed]

Judge Fatoumata Dembele Diarra

[signed]

Judge Christine Van den Wyngaert

Dated this 14 February 2012

At The Hague, The Netherlands

³ ICC-01/04-01/07-3234-Conf-Anx and ICC-01/04-01/07-3234-Anx-Red (public redacted version).