

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

No.: **ICC-01/04-01/07**
Date: **11 November 2009**

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***

**Confidential, *ex parte* Registry, Office of the Prosecutor and Defence for Mathieu
Ngudjolo**

and

Annex 1, confidential, *ex parte* Registry and Office of the Prosecutor

Annex 2, confidential, *ex parte* Registry and Defence for Mathieu Ngudjolo

**Transmission of the redacted versions of the
*"Quatrième rapport du Greffier sur l'écoute des communications non couvertes par le
secret professionnel de M. Mathieu Ngudjolo"* to the parties**

Source: The Registry

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

Office of the Prosecutor

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

Mr Eric MacDonald

**Counsel for the Defence of Mathieu
Ngudjolo**

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Jean-Pierre Fofé Djofia Malewa

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Detention Section

Mr Anders Backman

Victims and Witnesses Unit

Ms Maria-Luisa Martinod-Jacome

The Registrar of the International Criminal Court (“the Court”)

NOTING the decisions of Trial Chamber II (“the Chamber”);¹

NOTING regulations 23 *bis* and 24 *bis* of the Regulations of the Court;

CONSIDERING that the Registrar, pursuant to the Chamber’s decision of 25 September 2009, submitted a fourth report on the monitoring of Mathieu Ngudjolo’s communications;²

CONSIDERING that, by e-mail of 6 November 2009, the Registry sought, pursuant to the Chamber’s decision of 20 July 2009, the Defence’s observations or proposals, if any, concerning possible redactions before disclosure of the document to the Office of the Prosecutor;³

CONSIDERING that the Chamber was informed by e-mail on 9 November 2009 of the Defence’s response concerning the redactions proposed by the Defence for Mathieu Ngudjolo;

CONSIDERING that the annexes transmitted to the Office of the Prosecutor and to the Defence for Mathieu Ngudjolo differ;

APPENDS hereto the redacted versions of the fourth report:

1. Annex 1 is classified as confidential, *ex parte* Registry and Office of the Prosecutor. The following were expunged from the version disclosed to the Defence for Mathieu Ngudjolo:

- a. the end of paragraph 4 and the corresponding footnote; and
- b. the end of paragraph 28 and the corresponding footnote;

¹ ICC-01/04-01/07-1243-Conf-Exp-tENG, ICC-01/04-01/07-1334-Conf-Exp-tENG and ICC-01/04-01/07-1498-Conf-Exp-tENG.

² ICC-01/04-01/07-1542-Conf-Exp.

³ ICC-01/04-01/07-1319-Conf-Exp-tENG, pp. 7-8, para. 12.

2. Annex 2 is classified as confidential, *ex parte* Registry and Defence.

INFORMS the parties of the oral order of the Chamber to:

- 1- The Office of the Prosecutor to submit its observations by 4 p.m. on 13 November;
- 2- The Defence for Mathieu Ngudjolo to file its observations by 4 p.m. on 16 November.

[signed]

Marc Dubuisson
Director of the Division of Court Services
on behalf of
Silvana Arbia, Registrar

Dated this 11 November 2009
At The Hague, the Netherlands