

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/07
Date: 19 February 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Germain Katanga***

**URGENT
Public**

**ORDER TO PROVIDE THE DEFENCE WITH REDACTED VERSION OF
APPLICATIONS**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Éric MacDonald, Trial Lawyer
Mrs Florence Darques-Lane, Legal
Adviser

Counsel for the Defence

Mr David Hooper
Mr Göran Sluiter
Ms Caroline Buisman

I, Judge Sylvia Steiner, judge at the International Criminal Court (the “Court”);

NOTING the applications for participation in the proceedings a/0327/07 to a/0337/07 and a/0001/08 (“the Applications”) filed as confidential and *ex parte* on 30 January 2008 in the record of the case *The Prosecutor v. Germain Katanga* in which the applicants request to be granted the procedural status of victim in the proceedings of the case;¹

NOTING the “Decision authorising the filing of observations on the applications for participation in the proceedings a/0327/07 to a/0337/07 and a/0001/08”² (“the Decision”) by which the Single Judge *inter alia* ordered the Registry to provide to the Defence, by Monday 18 February 2008, a redacted version of the Applications in which any information which might lead to the applicants being identified is redacted;

NOTING the “Request for extension of time limit for the transmission of redacted applications a/0327/07 to a/0337/07 and a/0001/08 for participation to the Defence” (“the Registry’s Request”), filed on 18 February 2008 by which the Registry requested authorization to transmit the Applications to the Defence by Wednesday 20 February 2008;³

NOTING articles 57 (3)(c) and 68 (1) of the Rome Statute (“the Statute”), rules 86 and 89 of the Rules of Procedure and Evidence (“the Rules”) and regulation 86 of the Regulations of the Court (“the Regulations”);

¹ ICC-01/04-01/07-171-Conf-Exp-Anx1 to ICC-01/04-01/07-171-Conf-Exp-Anx12.

² ICC-01/04-01/07-182.

³ ICC-01/04-01/07-207.

CONSIDERING that the Registry's Request, in which the Registry informed the Single Judge of its difficulties in complying with the Decision within the time-limit set by the Single Judge,⁴ was only filed on 18 February 2008 after 4 pm and notified to the Single Judge on 19 February 2008;

CONSIDERING that the Single Judge would like to emphasize that the Registry's difficulties in complying with the Decision were foreseeable and should have been brought to the attention of the Single Judge at an earlier stage; and that, in the view of Single Judge, the way in which the Registry has conducted itself in relation to the implementation of the Decision is detrimental to the applicants since:

- (i) the time-limit for the submission of the Defence's observations on the Applications will only start running from the moment a redacted version of the Applications is provided to the Defence;
- (ii) the Single Judge can only issue a decision on the Applications after the expiration of such a time-limit (or after the filing by the Defence of its observations, if that takes place at an earlier date); and
- (iii) those applicants who will be granted the procedural status of victim, if any, will not be able to participate in a retroactive manner in relation to those proceedings of the case that have already been conducted;

CONSIDERING that, in the view of the Single Judge, the Registry is neither a party nor a participant in the proceedings of the case of *The Prosecutor v. Germain Katanga*; and that therefore, regulation 35 of the Regulations is not applicable to documents filed by the Registry;

⁴ ICC-01/04-01/07-207, p. 2.

CONSIDERING, nevertheless, the need to immediately provide the Defence with a redacted version of the Applications so that the time-limit for the submissions of the Defence's observations, as set out by the Single Judge in the Decision can start running;

FOR THESE REASONS

ORDER the Registry to provide the Defence, as soon as practicable but no later than Wednesday 20 February 2008 at 4 pm, with a redacted version of the Applications in which any information which might lead to the applicants being identified is redacted.

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



Judge Sylvia Steiner
Single Judge

Dated this Tuesday 19 February 2008

At The Hague

The Netherlands