

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07

Date: 21 April 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

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 Defence Request regarding Access to Real Time Transcript of
Public Hearings**

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

The Office of the Prosecutor

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

**Counsel for the Defence
of Germain Katanga**

Mr David Hooper
Ms Caroline Buisman

**Counsel for the Defence of Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J.L. Gilissen

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keita
Ms Melinda Taylor

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

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

NOTING the “*Demande de la Défense de Mathieu Ngudjolo afin d’autoriser le Bureau du Conseil Public pour la Défense d’avoir accès aux transcrits d’audiences publiques en temps réel par le biais du LiveNote*”¹ (“the Defence Request”) filed by the Defence of Mathieu Ngudjolo Chui on 1 April 2008, in which it requested that the Office of Public Counsel for the Defence (“the OPCD”) be provided with access to real time transcripts of public hearings on LiveNote;

NOTING the “Decision Concerning Observations of the Defence Request regarding Real Time Transcript of Public Hearings” issued by the Single Judge on 3 April 2008, whereby the Single Judge decided to give the Registry until Monday 7 April 2008, to (i) file a report on the current procedures for providing access to real time transcripts of public hearings on LiveNote; and (ii) give the OPCD and the Prosecution until Wednesday 9 April 2008 and Friday 11 April 2008 respectively, to file their observations on the Defence Request;²

NOTING the “*Rapport du Greffe en réponse à la “Decision Concerning Observations on the Defence Request regarding Real Time Transcript of Public Hearings”*”³ (“the Registry Report”) filed by the Registry on 7 April 2008;

NOTING the “*Observations de l’OPCD conformément à la décision de la Chambre Préliminaire I du 3 avril 2008 intitulée “Decision concerning observations on the Defence request regarding real time transcript of public hearings”*”⁴ (“the OPCD Observations”), filed by the OPCD on 9 April 2008;

¹ ICC-01/04-01/07-353.

² ICC-01/04-01/07-363

³ ICC-01/04-01/07-373.

⁴ ICC-01/04-01/07-382.

NOTING the “Prosecution’s Response to Decision Concerning Observations on the Defence Request Regarding Real Time Transcript of Public Hearings”⁵ (“the Prosecution Response”) filed on 11 April 2008 by the Prosecution;

NOTING rule 13 of the *Rules of Procedure and Evidence* (“the Rules”), regulations 21, 27 and 77(5) of the *Regulations of the Court* (“the Regulations”) and regulations 50 and 145 of the *Regulations of the Registry*;

CONSIDERING that, pursuant to regulation 77(5) of the Regulations, the OPCD “[s]hall provide support and assistance to defence counsel, including where appropriate, legal research and advice”;

CONSIDERING that, according to the OPCD’s mandate pursuant to regulation 77 (5) of the Regulations, the OPCD shall provide legal support and assistance to a Defence Team, if so requested by Defence Counsel;

CONSIDERING that granting the OPCD access to the real time transcript of those public hearings held before Pre-Trial Chamber I, not only expedites the course of the proceedings, but also permits any Defence team, if it so wishes, to benefit at public hearings from the legal assistance and support of the OPCD as provided for under regulation 77(5) of the Regulations;

CONSIDERING further that granting the OPCD access to the real time transcript of public hearings before the Pre-Trial Chamber will place the OPCD in a position to

⁵ ICC-01/04-01/07-387.

adequately fulfill its mandate to provide legal support and assistance at public hearings without being present in the Courtroom;

FOR THESE REASONS,

ORDER the Registrar to give OPCD access to the real time transcript of public hearings held before Pre-Trial Chamber I if any Defence Team requests the assistance of the OPCD for the purpose of such hearings.

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



Judge Sylvia Steiner
Single judge

Dated this Monday 21 April 2008

At The Hague,

The Netherlands