

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 May 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

**SITUATION DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Germain Katanga and Mathieu Ngudjolo Chui***

Public Document

**Decision regarding Responses to the Requests for Limitations on Access to
Confidential Materials by Non Anonymous Victims of the Case**

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, 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**

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 “Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case”¹ (“the Decision”) issued by the Single Judge on 13 May 2008, in which the Single Judge decided that “before Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07 can effectively exercise such procedural rights (in particular those relating to their access to the record of the case and to attend closed sessions hearings), the Single Judge would give the Prosecution, the Defences for Germain Katanga and Mathieu Ngudjolo Chui, and the Registry until 20 May 2008 at 16h00 to request any limitation that they might consider necessary pursuant to Sections V.1.4.3 and VI of the present decision;”

NOTING the “Prosecution’s Request for limitations pursuant to the Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case”² (“Prosecution Request for Limitations”) filed by the Prosecution on 20 May 2008;

NOTING the “Registry’s considerations on victims’ rights to access the record of the case and to attend closed session hearings”³ (“Registry Considerations concerning Limitations”) filed by the Registry on 20 May 2008;

¹ ICC-01/04-01/07-474.

² ICC-01/04-01/07-485.

³ ICC-01/04-01/07-486.

NOTING articles 61 and 68 of the *Rome Statute* ("the Statute"); rules 121 and 122 of the *Rules of Procedure and Evidence* ("the Rules"); and regulations 24 and 34 of the *Regulations of the Court* ("the Regulations");

CONSIDERING that, according to regulation 24 of the Regulations, the Defences for Germain Katanga and Mathieu Ngudjolo Chui and the Legal Representative of Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07 may file a response in relation to the Prosecution Request for Limitations; and that, according to regulation 34 of the Regulations, they have 21 days to do so unless the Single Judge otherwise provides;

CONSIDERING that the confirmation hearing is scheduled to commence on 27 June 2008; that Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07 can effectively exercise their procedural rights as set out in the Decision only after the Single Judge has decided on the Prosecution and Registry's Requests for Limitations; that, therefore, the Prosecution's Request for Limitations must be addressed on an urgent basis;

CONSIDERING that the Defences for Germain Katanga and Mathieu Ngudjolo Chui and the Legal Representative of Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07 may address in their responses to Prosecution's Request for Limitations the concerns raised in the Registry Considerations concerning Limitations; and that the Single Judge would also benefit from the observations of the Prosecution on the Registry's Considerations concerning Limitations;

CONSIDERING that, the responses of the Defences for Germain Katanga and Mathieu Ngudjolo Chui and of the Legal Representative of Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07, and the observations of the Prosecution, will

provide the Single Judge with sufficient information to decide upon the Prosecution Request for Limitations; and that, therefore, no leave to reply will be granted;

CONSIDERING that the Legal Representative of Victim a/0333/07 is not entitled to address the Prosecution Request for Limitations and the Registry Considerations concerning Limitations because they only concern potential limitations to the set of procedural rights granted by the Decision to Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07;

FOR THESE REASONS

DECIDE to give:

- (i) the Defences for Germain Katanga and Mathieu Ngudjolo Chui and the Legal Representative of Victims a/0327/07, a/0329/07, a/0330/07 and a/0331/07 until Monday 26 May 2008 at 16h00 to file their responses to the Prosecution Requests for Limitations and to address the concerns raised in the Registry Considerations concerning Limitations;

- (ii) the Prosecution until Monday 26 May 2008 at 16h00 to file observations on the Registry Considerations concerning Limitations.

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



Judge Sylvia Steiner
Single Judge

Dated this Wednesday 21 May 2008

At The Hague, The Netherlands