

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoR221-02/09

Date: 20 October 2009

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President

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

Public

Decision on the reclassification of the confidential “Decision on the Application of Mr Germain Katanga in respect of the new policy in the detention centre on the registration of telephone contacts” of 17 September 2009

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

**Counsel for the Defence for Mr Germain
Katanga**

Mr David Hooper
Mr Andreas O'Shea

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

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

The Presidency of the International Criminal Court;

In the application for judicial review of Mr Germain Katanga (“applicant”) of 25 February 2009 entitled “Defence Appeal to the Presidency on behalf of Mr Germain Katanga, in Respect of the New Policy” (“Application”);¹

Noting the Presidency’s decision on the application of 17 September 2009, entitled “Decision on the Application of Mr Germain Katanga in respect of the new policy in the detention centre on the registration of telephone contacts” (“Decision”),² filed with a confidential classification;

Noting that, in the Decision, the Presidency found *prima facie* that there was no reason for maintaining the confidential classification of the Decision;³ Noting further that the Presidency requested the applicant and the Registrar to inform it of any factual or legal basis for retaining the classification of the Decision or of any information requiring redaction prior to publication;

Considering the “Defence Observations on the reclassification of the Decision on the Application of Mr Germain Katanga in respect of the new policy in the detention centre on the registration of telephone contacts” of 23 September 2009,⁴ in which the applicant submitted that he had no objection to the reclassification of the Decision as public;

Considering that the Registrar has not put forward any reasons for retaining the classification of the Decision or the need for any redactions prior to its publication;

Annexing to this decision a revised version of the Decision which makes the following editorial corrections:

Paragraph 67: reference to “regulation 208 of the Regulations of the Court” in the first sentence has been replaced with “regulation 208 of the Regulations of the Registry”,
Paragraph 70: the words “*ex parte*” have been deleted from the third and fourth sentences, and

¹ ICC-RoR221-02/09-1-Conf-Exp.

² ICC-RoR221-02/09-6-Conf.

³ Paragraph 70.

⁴ ICC-RoR221-02/09-7-Conf.

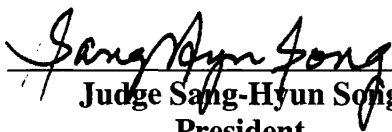
Page 26: the word "August" has been deleted from the date stamp;

Hereby

Orders the Registrar to file the annexed decision as a corrigendum to the Decision (ICC-RoR221-02/09-6-Conf) and

Decides to reclassify that corrigendum as public.

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



Judge Sang-Hyun Song
President

Dated this 20 October 2009

At The Hague, The Netherlands