

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 11 February 2011

**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***

**Confidential**

**Order concerning the "Decision concerning the Request of Mr Germain Katanga of 14 November 2008 for re-composition of the bench of Trial Chamber II"**

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

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

**Counsel for the Defence for Germain**

**Katanga**

Mr David Hooper

Mr Andreas O'Shea

**Legal Representatives of the Victims**

Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

**Counsel for the Defence for Mathieu**

**Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Jean-Pierre Fofé Djofia Malewa

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier Preira

The Presidency of the International Criminal Court;

In the confidential application of Mr Germain Katanga (hereinafter "applicant") of 14 November 2008 for review of the composition of Trial Chamber II entitled: "Katanga Defence observations on the composition of the bench";<sup>1</sup>

Noting the Presidency's urgent confidential "Decision concerning the Request of Mr Germain Katanga of 14 November 2008 for re-composition of the bench of Trial Chamber II" of 21 November 2008 (hereinafter "Decision");<sup>2</sup>

Noting that the following confidential documents have also been filed in relation to this matter:

Order concerning the Observations of Mr Germain Katanga on the composition of the bench of 14 November 2008;<sup>3</sup> and

Defence Response to the Presidency's Order dated 19 November 2008.<sup>4</sup>

Considering that nothing in the Decision or any other aforementioned document *prima facie* qualifies it as confidential;

*Hereby*

Orders the applicant to inform the Presidency by 4pm on 7 March 2011 of any factual and legal basis for retaining the confidential classification of the Decision and the other aforementioned documents and whether any information requires redaction prior to publication.

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

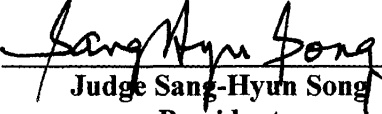
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<sup>1</sup> ICC-01/04-01/07-749-Conf.

<sup>2</sup> ICC-01/04-01/07-757-Conf.

<sup>3</sup> ICC-01/04-01/07-751-Conf, 19 November 2008.

<sup>4</sup> ICC-01/04-01/07-752-Conf, 20 November 2008.

  
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Judge Sang-Hyun Song  
President

Dated this 11 February 2011

At The Hague, The Netherlands