

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 9 March 2012

**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**

**Order reclassifying documents related to 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 Jean-Louis Gilissen  
Mr Fidel Nsita Luvengika

**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 application of Mr Germain Katanga (“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 (“Decision”);<sup>2</sup>

Noting the Presidency’s “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’”<sup>3</sup> of 11 February 2011, which determined that nothing in the Decision or other related documents *prima facie* qualify them as confidential and ordered the applicant to inform the Presidency of any factual and legal basis for retaining the confidential classification of the mentioned documents and whether any information required redaction prior to publication;

Considering the “Defence Submissions on the Redactions and Retaining of the Current Classification of Documents and Filings in Presidency Order ICC-01/04-01/07-2697-Conf of 11 February 2011”<sup>4</sup> in which the applicant submitted that neither the Decision nor the other related documents need retain their confidential status or require redaction;

Considering further that there is no reason for maintaining the confidential classification of the Decision or its related documents;

*Hereby*

Orders the Registrar to reclassify the following documents as public:

- ICC-01/04-01/07-749-Conf;

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

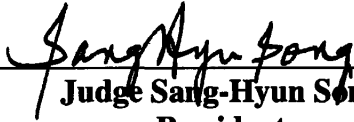
<sup>2</sup> ICC-01/04-01/07-757-Conf.

<sup>3</sup> ICC-01/04-01/07-2697-Conf.

<sup>4</sup> ICC-01/04-01/07-2787-Conf-Exp, 18 March 2011.

- ICC-01/04-01/07-757-Conf;
- ICC-01/04-01/07-751-Conf;<sup>5</sup>
- ICC-01/04-01/07-752-Conf;<sup>6</sup>
- ICC-01/04-01/07-2697-Conf; and
- ICC-01/04-01/07-2787-Conf-Exp.

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

  
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**Judge Sang-Hyun Song**  
**President**

Dated this 9 March 2012

At The Hague, The Netherlands

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<sup>5</sup> Order concerning the Observations of Mr Germain Katanga on the composition of the bench of 14 November 2008, 19 November 2008.

<sup>6</sup> Defence Response to the Presidency's Order dated 19 November 2008, 20 November 2008.