



Original: **French**

No.: **ICC-01/04-02/12**

Date: **25 March 2015**

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding Judge
Judge Olga Herrera Carbuca
Judge Péter Kovács

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. MATHIEU NGUDJOLO***

Confidential

Decision on the Defence request for reclassification

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

Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for Mathieu Ngudjolo

Mr Jean-Pierre Kilenda Kakengi Basila

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

States' Representatives

**Office of Public Counsel for the
Defence**

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Other
Presidency**

TRIAL CHAMBER II (“the Chamber”) of the International Criminal Court (“the Court”), in the case of *The Prosecutor v Mathieu Ngudjolo Chui*, pursuant to regulation 23 bis of the Regulations of the Court, issues the following *Decision on the Defence request for reclassification*.

1. On 4 March 2015, the Defence for Mr Ngudjolo (“the Defence”) filed a confidential *ex parte* “*Note d’information à la Présidence*” (“Notice of Information”) regarding a possible request for compensation under article 85 of the Rome Statute.¹
2. On 17 March 2015, pursuant to rule 173(1) of the Rules of Procedure and Evidence, the Presidency referred the instant case to Trial Chamber II (“the Decision of 17 March 2015”).²
3. On 20 March 2015, the Defence filed a request seeking reclassification of the Notice of Information and its annex, the Decision of 17 March 2015 and its own request of 20 March 2015.³ The Defence stated that “[TRANSLATION] disclosing the instant proceedings to the Registry and the Prosecution will enable [...] the Defence to obtain the means to carry out its mandate of providing legal assistance and give the Prosecution the opportunity to submit its observations in accordance with rule 174(1) of the Rules of Procedure and Evidence”.

TRIAL CHAMBER II,

GRANTS the request for reclassification;

ORDERS the Registry to reclassify documents ICC-01/04-02/12-273-Conf-Exp, ICC-01/04-02/12-273-Conf-Exp-Anx, ICC-01/04-02/12-278-Conf-Exp and ICC-01/04-02/12-279-Conf-Exp as “confidential”; and

¹ “*Note d’information à la Présidence*”, 4 March 2015, ICC-01/04-02/12-273-Conf-Exp, available only to the Defence, and its confidential *ex parte* annex, available only to the Defence.

² *Decision referring the case of The Prosecutor v. Mathieu Ngudjolo Chui to Trial Chamber II*, 17 March 2015 (notified on 18 March 2015), ICC-01/04-02/12-277-Conf-Exp, available only to the Defence.

³ “*Requête de la Défense sollicitant la reclassification de ICC-01/04-02/12-273-Conf-Exp*”, 20 March 2015, ICC-01/04-02/12-278-Conf-Exp, available only to the Defence.

ORDERS the Registry to reclassify documents ICC-01/04-02/12-273-Conf-Exp, ICC-01/04-02/12-273-Conf-Exp-Anx, ICC-01/04-02/12-278-Conf-Exp and ICC-01/04-02/12-279-Conf-Exp as “public” unless within five days of the notification of this decision the Defence files a submission stating the reasons for which the above-mentioned documents must remain confidential.

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

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

Judge Olga Herrera Carbuccion

[signed]

Judge Péter Kovács

Dated this 25 March 2015

At The Hague, The Netherlands