



Original: English

No: ICC-01/04-01/07

Date: 18 October 2007

**PRE-TRIAL CHAMBER I**

**Before: Judge Akua Kuenyehia, Single Judge**

**Registrar: Mr Bruno Cathala**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO  
IN THE CASE OF  
THE PROSECUTOR *v.* GERMAIN KATANGA**

**Public Document**

**URGENT**

**DECISION TO UNSEAL THE WARRANT OF ARREST AGAINST GERMAIN  
KATANGA**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo

Mrs Fatou Bensouda

Mr Éric MacDonald

I, Judge Akua Kuenyehia, judge at the International Criminal Court (the “Court”);

**NOTING** the Prosecution’s application for a warrant of arrest against Germain Katanga under article 58 of the Statute, part one and two (“the Prosecution Application”),<sup>1</sup> filed by the Prosecution on 22 and 25 June 2007, in which amongst others, the Prosecution i) requests that any determination by Pre-Trial Chamber I (“the Chamber”) to issue any warrant of arrest be sealed from the public until such time as the necessary arrangements are in place to allow for the arrest, surrender, and transfer of the person; and ii) requests that the arrest warrant against Germain Katanga be unsealed only after it is confirmed that Germain Katanga has been transferred to a location in which his own security and the integrity of his conditions of detention are assured and at the earliest, once Germain Katanga is in transit to the Court;

**NOTING** the warrant of arrest against Germain Katanga<sup>2</sup> issued by the Chamber on 2 July 2007;

**NOTING** the “Order on the execution of the warrant of arrest for Germain Katanga”<sup>3</sup> issued by the Chamber on 2 July 2007;

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<sup>1</sup> ICC-01/04-348-US-Exp and ICC-01/04-350-US-Exp.

<sup>2</sup> ICC-01/04-01/07-1-US.

<sup>3</sup> ICC-01/04-01/07-2-US-Exp.

**NOTING** the “Decision on the evidence and information provided by the Prosecution for the issuance of a warrant of arrest for Germain Katanga”<sup>4</sup> (“the Decision”) issued on 6 July 2007 whereby the Chamber set out the analysis of the evidence and information provided by the Prosecution in connection with its application for a warrant of arrest against Germain Katanga;

**NOTING** the hearing held *ex parte* and in closed session on 17 October 2007 in which the Registry informed the Single Judge on the status on the execution of the cooperation request for the arrest and surrender of Germain Katanga;<sup>5</sup>

**NOTING** articles 57 (3) (c), 67 (1) and 68 (1) of the Rome Statute (“the Statute”), rules 87 (2) (c) and 88 (4) of the Rules of Procedure and Evidence (“the Rules”) and regulation 8 (c) of the Regulations of the Court;

**CONSIDERING** that the authorities of the Democratic Republic of the Congo (“the DRC”) have already executed the cooperation request for the arrest and surrender of Germain Katanga filed on 6 July 2007 and transmitted to the DRC authorities by the Registrar on 18 September 2007; that Germain Katanga is currently in the custody of officials of the Court; and that there is no longer any reason to maintain the warrant of arrest against him under seal;

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<sup>4</sup> ICC-01/04-01/07-4-US-Exp.

<sup>5</sup> ICC-01/04-01/07-T-3-US-Exp-ENG[17Oct2007Realtime].

**CONSIDERING** that regulation 8 (c) of the Regulations of the Court requires publication on the website of the Court of all "decisions and orders of the Court and other particulars of each case brought before the Court as described in rule 15";

**FOR THESE REASONS**

**DECIDE** to unseal and to reclassify as public the documents ICC-01/04-01/07-1-US and ICC-01/04-01/07-1-US-Anx1;

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



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**Judge Akua Kuenyehia**  
**Single Judge**

Dated this Thursday 18 October 2007

At The Hague

The Netherlands