

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 14 March 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Single judge

Registrar: Mr Bruno Cathala

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

Public Document

Request from the relevant authorities of the Host State to reclassify as Public their observations on the interim release of Germain Katanga (ICC-01/04-01/07-251-Conf-Anx1)

The Office of the Prosecutor

Mr. Luis Moreno Ocampo, Prosecutor
Mrs. Fatou Bensouda, Deputy Prosecutor
Mr. Éric MacDonald, Trial Lawyer
Mrs. Florence Darques-Lane, legal
Adviser

**Counsel for the Defence of Germain
Katanga**

Mr. David Hooper
Mr. Göran Sluiter
Ms. Caroline Buisman
Ms. Sophie Menegon

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

Mr. Jean-Pierre Kilenda Kakengi Basila

THE REGISTRAR of the International Criminal Court (“The Court”);

NOTING the warrant of arrest for Germain Katanga filed by Pre-Trial Chamber I (“the Chamber”) on 2 July 2007¹;

NOTING the “*Decision on the evidence and information provided by the Prosecution for the issuance of a warrant of arrest for Germain Katanga*” filed on 6 July 2007²;

NOTING the “*Decision concerning observations on the review of the pre-trial detention of Germain Katanga*” issued on 24 January 2008³;

NOTING the “*Prosecution’s Observations on the Pre-Trial Detention of Germain Katanga, Pursuant to the Statute and the Rules*” filed on 31 January 2008⁴;

NOTING the “*Response of the Defence to the Prosecution’s Observations on the Pre-Trial Detention of Mr. Germain KATANGA, pursuant to the Statute and the Rules*” issued on 7 February 2008⁵;

NOTING the “*Defence observations in relation to the Single Judge’s oral request to file a complete application for interim release*” filed on 18 February 2008⁶;

¹ ICC-01/04-01/07-1

² ICC-01/04-01/07-4

³ ICC-01/04-01/07-163

⁴ ICC-01/04-01/07-174

⁵ ICC-01/04-01/07-186

⁶ ICC-01/04-01/07-206-Conf

NOTING the “*Decision Concerning Pre-Trial Detention of Germain Katanga*” (“the Decision”) issued by the Chamber on 21 February 2008⁷;

NOTING the “*Report of the Registrar on the Execution of the Decision Inviting Observations on the Defence’s Application for Interim Release of Germain Katanga*” (“the Report”) issued on 6 March 2008⁸;

NOTING article 58, 60 and 87 of the *Rome Statute*, rules 118 and 119 of the *Rules of Procedure and Evidence* (“the Rules”) and regulation 51 of the *Regulations of the Court* (“the Regulations”);

CONSIDERING that, on 27 February 2008, the relevant authorities of the Netherlands submitted, as per the Decision, their observations on the conditions that would have to be met in order for the State to accept Germain Katanga’s release on to its territory⁹;

CONSIDERING that these observations were initially registered as a Confidential Annex to the Report;

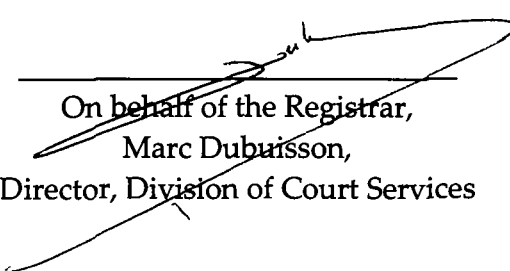
CONSIDERING that, after some internal discussions, the relevant authorities of the Host State have come to the conclusion that the above-mentioned observations could be registered as public and have, thus, enquired on the possibilities of a reclassification;

⁷ ICC-01/04-01/07-222

⁸ ICC-01/04-01/07-251

⁹ ICC-01/04-01/07-251-Conf-Anx1

INFORMS the Chamber that the document ICC-01/04-01/07-251-Conf-Anx1 can be,
at the request of the host State, reclassified as Public.



On behalf of the Registrar,
Marc Dubuisson,
Director, Division of Court Services

Dated this 14 March 2008

At The Hague, the Netherlands.