

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No: ICC-01/04-02/06

Date: 11 March 2008

**PRE-TRIAL CHAMBER I**

**Before:** Judge Akua Kuenyehia, Presiding Judge  
Judge Anita Ušacka  
Judge Sylvia Steiner

**Registrar:** Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO  
IN THE CASE OF  
THE PROSECUTOR *v.* BOSCO NTAGANDA**

**Under Seal**

**Decision informing the Prosecution of Judges' request to be excused**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo, Prosecutor

Mrs Fatou Bensouda, Deputy Prosecutor

Mr Ekkehard Withopf, Senior Trial

Lawyer

**PRE-TRIAL CHAMBER I** of the International Criminal Court (“The Chamber” and “the Court”, respectively);

**NOTING** the “Prosecutor’s Application for warrants of Arrest, Article 68”<sup>1</sup> (the Application”) filed by the prosecution in respect of Thomas Lubanga Dyilo and Bosco Ntaganda on 12 January 2006;

**NOTING** the “Decision on the Prosecutor’s Application for Warrants of Arrest, Article 58”<sup>2</sup> (“the Decision”) issued by the Chamber on 10 February 2006, in which the Chamber rejected the warrant of arrest for Bosco Ntaganda on the basis of the inadmissibility of the case against him;

**NOTING** the Prosecution’s appeal against the Decision filed by the Prosecution on 14 February 2006;<sup>3</sup>

**NOTING** the Appeals Chamber “Judgment on the Prosecutor’s appeal against the decision of Pre-Trial Chamber I entitled ‘Decision on the Prosecutor’s Application for Warrants of Arrest, Article 58’”<sup>4</sup> (“the Appeals Chamber Judgement”) issued on 13 July 2006;

**NOTING** the arrest warrant against Bosco Ntaganda<sup>5</sup> issued by the Chamber on 22 August 2006;

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<sup>1</sup> ICC-01/04-98-US-Exp

<sup>2</sup> ICC-01/04-118-US-Exp-Corr.

<sup>3</sup> ICC-01/04-125-US-Exp.

<sup>4</sup> ICC-01/04-169-US-Exp

<sup>5</sup> ICC-01/04-02/06-1-US-Exp

**NOTING** the Registrar's request for instructions on the execution of the warrant of arrest against Bosco Ntaganda<sup>6</sup> filed on 7 February 2007;

**NOTING** the "Decision on the execution of decision ICC-01/04-02/06-1-US"<sup>7</sup> rendered by the Chamber on 6 March 2007;

**NOTING** the "Second report of the Registrar on the execution of decision ICC-01/04-02/06-1-US"<sup>8</sup> filed by the Registrar on 3 August 2007;

**NOTING** the "Prosecution's application for unsealing the arrest warrant against Bosco Ntaganda"<sup>9</sup> filed by the Prosecution on 29 February 2008;

**NOTING** the Memorandum submitted by Judge Akua Kuenyehia and Judge Sylvia Steiner requesting the Presidency to excuse them from the case of *The Prosecutor v. Bosco Ntaganda*<sup>10</sup> ("the Memorandum") dated 10 March 2008;

**CONSIDERING** that the Prosecution's request for unsealing in the case of *The Prosecutor v. Bosco Ntaganda* is still pending before the Chamber, it is the view of the Chamber that the Prosecution must be made aware of the Memorandum;

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<sup>6</sup> ICC-01/04-02/06-5-US-Exp

<sup>7</sup> ICC-01/04-02/06-8-US

<sup>8</sup> ICC-01/04-02/06-11-US-tEN

<sup>9</sup> ICC-01/04-02/06-15-US-Exp

<sup>10</sup> Ref: ICC-01/04-02/06/memo/1.

**FOR THESE REASONS**

**DECIDES** to inform the Prosecution of the Memorandum, which is attached hereto as Annex 1.

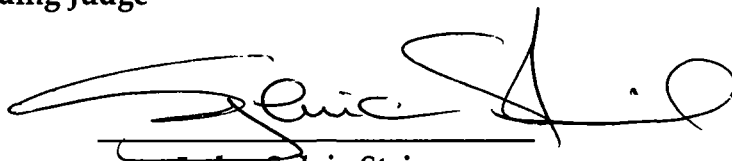
Done in both English and French, the English version being authoritative.



**Judge Akua Kuenyehia**  
**Presiding Judge**



**Judge Anita Ušacka**



**Judge Sylvia Steiner**

Dated this Tuesday 11 March 2008

At The Hague,

The Netherlands