

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 May 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Hans-Peter Kaul

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

***IN THE CASE OF
THE PROSECUTOR
v. Germain KATANGA and Mathieu NGUDJOLO CHUI***

**Urgent
Public**

**Prosecution's Provision of Information on the Reclassification of Documents
Provided by the *Auditeur Général Militaire***

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence of Germain Katanga

Mr David Hooper
Mr Andreas O'Shea

Counsel for the Defence of Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of Victims

Ms Carine Bapita Buyangandu
Mr Hervé Diakiese
Mr Vincent Lurquin
Mr Jean Chrysostome Mulamba Nsokoloni
Ms Flora Mbuyu Anjelani
Mr Fidel Nsita Luvengika

Legal Representatives of Applicants

Mr Jean-Louis Gilissen
Mr Joseph Keta

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

Background

On 10 February 2009, Counsel for Germain KATANGA filed a motion challenging the admissibility of the case ("Motion"). The Defence annexed to its Motion a number of documents originating from the file of the *Auditeur Général Militaire* of the Congolese national army (the "FARDC").

On 24 February, the Motion was reclassified as Confidential, accessible to the Prosecution and both Defence teams.¹

On 6 March, the Legal Representatives of Victims and the Office of Public Counsel for Victims ("OPCV") were informed that the Defence had filed a motion challenging the admissibility of the case.²

On 11 March, a public redacted version of the Motion was made available³ and on 26 March, a summary of the Motion was disclosed to the Legal Representatives of Victims and the OPCV.⁴

On 16 April, the Legal Representatives of Victims requested the disclosure, without redactions, of the documents from the file of the *Auditeur Général Militaire*, as disclosed by the Prosecution to the Defence team of Mr Germain Katanga.⁵

¹ ICC-01/04-01/07-891-Conf-Exp (Pursuant to Oral Decision of Trial Chamber II, dated 24-02-2009, this document was reclassified as "Confidential Ex Parte only available to the office of the Prosecutor and both Defence teams").

² ICC-01/04-01/07-984-Conf.

³ ICC-01/04-01/07-949.

⁴ ICC-01/04-01/07-1026-Conf+Conf-Anx1&2.

⁵ ICC-01/04-01/07-1060.

Provision of Information

On 22 April, the Office of the *Auditeur Général Militaire* confirmed that it does not object to the reclassification, by the Chamber, of the documents of the file of the *Auditeur Général Militaire* referred to by the Defence of Mr Katanga. The Office of the *Auditeur Général Militaire* requests that the documents be reclassified as Confidential, accessible to the Legal Representatives of Victims and the OPCV with the same redactions as applied by the Prosecution (if any) when the documents were initially disclosed to the Defence.

A handwritten signature in blue ink, appearing to read 'Luis Moreno-Ocampo', is positioned above a horizontal line.

Luis Moreno-Ocampo, Prosecutor

Dated this 7th day of May 2009

At The Hague, The Netherlands