

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-RoR217-02/08**

Date: **9 March 2012**

THE PRESIDENCY

**Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President**

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

Public

**Order reclassifying documents related to the “Decision on ‘Mr Mathieu Ngudjolo’s
Complaint Under Regulation 221(1) of the Regulations of the Registry Against the
Registrar’s Decision of 18 November 2008””**

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

**Counsel for the Defence for Mr Mathieu
Ngudjolo Chui
Mr Jean-Pierre Kilenda Kakengi Basila
Mr Jean-Pierre Fofé Djofia Malewa**

REGISTRY

Registrar
Ms Silvana Arbia

Deputy Registrar
Mr Didier Preira

Detention Section
Mr Patrick Craig

The Presidency of the International Criminal Court;

In the application of Mr Mathieu Ngudjolo Chui (“applicant”) of 21 November 2008 for judicial review of the decision of the Registrar confirming the decision of the Chief Custody Officer on the frequency of family visits funded by the Court and the number of visitors allowed per funded family visit (“Application”);¹

Noting the Presidency’s reclassification of its decision on the Application² (“Decision”);³

Considering that in view of the publication of the Decision and the information contained therein, there is no further reason to retain the confidential and confidential *ex parte* classification of related documents;

Considering that some of the related documents contain information which the applicant or the Registrar may wish to redact prior to publication;

Hereby

Orders the Registrar to reclassify the following documents as public:

ICC-RoR217-02/08-10-Conf-Exp;⁴

ICC-RoR217-02/08-9-Conf-Exp;⁵

ICC-RoR217-02/08-6-Conf⁶ and the second annex thereto;⁷

ICC-RoR217-02/08-5-Conf;⁸

¹ Mr Mathieu Ngudjolo’s Complaint Under Regulation 221(1) of the Regulations of the Registry Against the Registrar’s Decision of 18 November 2008, ICC-RoR217-02/08-3-Conf-Exp-tENG.

² Decision on “Mr Mathieu Ngudjolo’s Complaint Under Regulation 221(1) of the Regulations of the Registry Against the Registrar’s Decision of 18 November 2008”, ICC-RoR217-02/08-8, 10 March 2009.

³ Order concerning the ‘Decision on “Mr Mathieu Ngudjolo’s Complaint Under Regulation 221(1) of the Regulations of the Registry Against the Registrar’s Decision of 18 November 2008”’, ICC-RoR217-02/08-11, 23 March 2009.

⁴ Réponse du Greffier relativement à la question de la publicité de la décision de la Présidence en date du 10 mars 2009 sur les visites familiales de M. Mathieu Ngudjolo Chui, 20 March 2009.

⁵ Réponse de la Défense à la Présidence quant à la question du maintien de la confidentialité de sa Décision du 10 mars 2009 à la suite de la Requête de Mathieu Ngudjolo Chui introduite sur pied de la Règle 221(1) du Règlement du Greffe contre la Décision du Greffe du 18 Novembre 2008, 16 March 2009.

⁶ Transmission to the Presidency of the complaint of Mr. Mathieu Ngudjolo Chui to the Chief Custody Officer, 9 December 2008.

⁷ ICC-RoR217-02/08-6-Conf-Anx2.

ICC-RoR217-02/08-4-Conf;⁹

ICC-RoR217-02/08-3-Conf-Exp-Anx;¹⁰

ICC-RoR217-02/08-1-Conf-Exp-Anx;¹¹

Orders the Registrar to file a public version of the following:

ICC-RoR217-02/08-7-Conf¹² and the annexes thereto,¹³ redacting any details which may not be made available to the public, for example, the budgetary figures in paragraphs 11-12;

ICC-RoR217-02/08-2-Conf-Exp,¹⁴ redacting any details which may not be made available to the public, for example, details related to the process of passport applications;

Orders the applicant to file a public version of the following:

ICC-RoR217-02/08-6-Conf-Anx1, redacting the names of his family members;

ICC-RoR217-02/08-3-Conf-Exp¹⁵, redacting the names of his family members and their private details, for example in the extracts contained in paragraphs 3 and 6;

ICC-RoR217-02/08-1-Conf-Exp,¹⁶ redacting information identifying the name of the hotel at which counsel for the applicant stayed which is contained in paragraph 8.

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

⁸ Order concerning the Application for judicial review of Mr Mathieu Ngudjolo Chui of 21 November 2008, 5 December 2008.

⁹ Order concerning the Application for judicial review of Mr Mathieu Ngudjolo Chui of 21 November 2008, 1 December 2008.

¹⁰ Annexe à la Plainte de Monsieur Mathieu Ngudjolo en application de la norme 221 (1) du Règlement du Greffe contre la décision de la Greffière prise en date du 18 novembre 2008, 21 November 2008.

¹¹ Annexe à l'Adresse de Mathieu Ngudjolo au Greffier suite à la décision prise par le Chef du quartier pénitentiaire par rapport aux visites familiales, 11 November 2008.

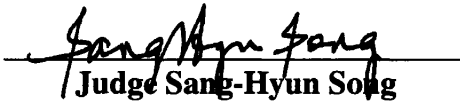
¹² Explications du Greffier en réponse à l'ordonnance de la Présidence en date du 5 décembre 2008, 12 December 2008.

¹³ ICC-RoR217-02/08-7-Conf-Anx, ICC-RoR217-02/08-7-Conf-Anx2.

¹⁴ Décision du Greffier en application de la norme 220 suite au recours de Mathieu Ngudjolo contre la décision du Chef du quartier pénitentiaire en date du 7 novembre 2008, 18 November 2008.

¹⁵ Plainte de Monsieur Mathieu Ngudjolo en application de la norme 221 (1) du Règlement du Greffe contre la décision de la Greffière prise en date du 18 novembre 2008, 21 November 2008.

¹⁶ Adresse de Mathieu Ngudjolo au Greffier suite à la décision prise par le Chef du quartier pénitentiaire par rapport aux visites familiales, 11 November 2008.


Judge Sang-Hyun Song
President

Dated this 9 March 2012

At The Hague, The Netherlands