

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 March 2019

THE PRESIDENCY

Before: Judge Chile Eboe-Osuji, President
Judge Robert Fremr, First Vice-President
Judge Marc Perrin de Brichambaut, Second Vice-President

SITUATION IN DEMOCRATIC REPUBLIC OF CONGO

**IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Public

With one Confidential Annex, EX PARTE available only to the Registry

**Transmission of the Views of the Congolese Authorities on the “Defence
Application for Reconsideration of the Presidency
Decision pursuant to article 108(1) of the Rome Statute”**

Source: The Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

Counsel for the Defence

Mr David Hooper Q.C.

Ms Caroline Buisman

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. In accordance with rule 13(1) of the Rules of Procedure and Evidence, the Registry hereby transmits, as an annex to this filing, a letter signed on behalf of the Minister of Justice of the Democratic Republic of Congo (“DRC”) dated 18 March 2019 and its annexes, containing the views of the Congolese authorities on the matters raised by Germain Katanga in his Application for Reconsideration of the Presidency Decision pursuant to article 108(1) of the Rome Statute (“Application”).¹

II. Classification

2. Pursuant to regulation 23*bis* (1) of the Regulations of the Court, the annex to the present submission is filed as confidential ex parte only available to the Registry as the Congolese authorities have not yet indicated the level of classification of the documents which they have provided.

III. Procedural History

3. On 30 January 2019, the Defence of Germain Katanga submitted the Application.
4. On 4 February 2019, the Presidency issued an order (“the Order”) requesting the competent authorities of the DRC to provide any views on any matters raised in the Application by 20 March 2019.²
5. On 5 February 2019, the Registry transmitted to the DRC authorities the confidential version of the Application, its public redacted version and the Order. On 12 February 2019, the Registry transmitted to the DRC authorities

¹ Defence of Germain Katanga, Defence Application for Reconsideration of the Presidency Decision pursuant to Article 108(1) of the Rome Statute, 30 January 2019, ICC-01/04-01/07-3821-Red, Public redacted version, ICC-01/04-01/07-3821-Red and translation in French, “Requête de la Défense aux fins de réexamen de la Décision rendue en application de l’article 108-1 du Statut de Rome par la Présidence”, 11 February 2019, ICC-01/04-01/07-3821-Conf-tFRA and ICC-01/04-01/07-3821-Red-tFRA.

² Presidency, Order concerning the “Defence Application for Reconsideration of the Presidency Decision pursuant to article 108(1) of the Rome Statute”, 4 February 2019, ICC-01/04-01/07-3822 and translation in French “Ordonnance relative à la Requête de la Défense aux fins de réexamen de la Décision rendue en application de l’article 108-1 du Statut de Rome par la Présidence” 11 February 2019, ICC-01/04-01/07-3822-tFRA.

the French translation of the Application and the Order, and drew their attention to the invitation contained in the latter to inform the Court whether any information that they would provide in the context of the Application may be made publicly available, or may only be made available to the Presidency and Mr Katanga.

6. In its views dated 18 March 2019, transmitted in annex hereto, the Congolese authorities have not mentioned whether these documents can be made available to Mr Katanga or whether they can be made public. In this regard, the Registry continues to contact the Congolese authorities and will inform the Presidency once it has indicated the level of classification of the documents which they have provided.

The Registry hereby transmits, as annex to the present filing, the response from authorities of the DRC.



Marc Dubuisson
Director, Division of the Judicial Services, *per* delegation of
Peter Lewis, the Registrar

Dated this 20 March 2019

At The Hague, the Netherlands