

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/07 (OA)

Date: 19 February 2008

**THE APPEALS CHAMBER**

**Before:** Judge Philippe Kirsch, Presiding Judge  
Judge Georghios M. Pikis  
Judge Navanethem Pillay  
Judge Sang-Hyun Song  
Judge Erkki Kourula

**Registrar:** Mr. Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO  
IN THE CASE OF  
*THE PROSECUTOR v. GERMAIN KATANGA***

**Public document**

**Order in relation to the "Prosecution's Document in Support of Appeal against the First Decision on Redaction of Witness Statements"**

**The Office of the Prosecutor**

Mr. Luis Moreno-Ocampo, Prosecutor  
Ms. Fatou Bensouda, Deputy Prosecutor  
Mr. Fabricio Guariglia, Senior Appeals Counsel  
Mr. Eric Macdonald, Trial Lawyer

**Counsel for the Defence**

Mr. David Hooper  
Ms. Caroline Buisman

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision entitled "First Decision on the Prosecution Request for Authorisation to Redact Witness Statements"<sup>1</sup> (hereinafter the "Impugned Decision"),

Pursuant to regulation 28 of the Regulations of the Court,

*Renders* the following

## ORDER

The Prosecutor is ordered to indicate, and to provide reasons for, what information, if any, contained within the "Prosecution's Document in Support of Appeal against the First Decision on Redaction of Witness Statements" (ICC-01/04-01/07-131-Conf) he submits should be kept confidential by 4pm on 26 February 2008.

The Defence may respond to the filing of the Prosecutor by 4pm on 29 February 2008. Any response filed by the Defence shall be filed with the same classification of the document as that used by the Prosecutor.


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<sup>1</sup> ICC-01/04-01/07-84-US-Exp, filed on 3 December 2007; confidential, *ex parte*, only available to the Office of the Prosecutor and the Defence version (ICC-01/04-01/07-88-Conf-Exp) issued on 6 December 2007, public redacted version (ICC-01/04-01/07-90) filed on 7 December 2007

## REASONS

1. The "Prosecution's Document in Support of Appeal against the First Decision on Redaction of Witness Statements" (hereinafter "document in support of the appeal") was filed *inter partes*, with a confidential classification, on 2 January 2008.<sup>2</sup>
2. A public redacted version of the Impugned Decision has been issued.<sup>3</sup> In addition, a public redacted version of the Prosecutor's application for leave to appeal the Impugned Decision was filed<sup>4</sup>; and the decision granting the Prosecutor leave to appeal was a public document.<sup>5</sup>
3. The requested submissions are necessary in order for the Appeals Chamber to determine what information, if any, in the document in support of the appeal should be kept confidential.

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



**Judge Philippe Kirsch**  
**Presiding Judge**

Dated this 19<sup>th</sup> day of February 2008

At The Hague, The Netherlands

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<sup>2</sup> ICC-01/04-01/07-131-Conf.

<sup>3</sup> ICC-01/04-01/07-90.

<sup>4</sup> ICC-01/04-01/07-107.

<sup>5</sup> ICC-01/04-01/07-108.