

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04  
Date: 29 October 2008

**PRE-TRIAL CHAMBER I**

**Before: Judge Sylvia Steiner, Single Judge**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**Public Document**

**Decision Concerning the Reclassification of Non-Public Documents in the Record  
of the Situation in the Democratic Republic of the Congo**

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

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

**Counsel for the Defence**

**Legal Representatives of the Victims**

Mr Emmanuel Daoud

Ms Carine Bapita Buyangandu

Mr Joseph Keta

Mr J.L. Gilissen

Mr Hervé Diakiese

Mr Jean-Christostome Mulamba

Nsokoloni

Mr Michel Shebele

Mr Patrick Baudouin

Mr Michael Verhaegue

Mr Sylvestre Bisimwa

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

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

Mr Xavier-Jean Keïta

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**I, Judge Sylvia Steiner, judge at the International Criminal Court ("the Court");**

**NOTING** the "Observations et demande de mesures spécifiques du représentant légal de VPRS 1, 4 et 5 sur le document 'Prosecutor's information on Further Investigation' du 28 juin 2006",<sup>1</sup> filed by the Legal Representative of VPRS 1, 4, and 5 on 30 August 2006;

**NOTING** the "Observations et demande de mesures spécifiques du représentant légal de VPRS 2, VPRS 3 et VPRS 6 ",<sup>2</sup> filed by the Legal Representative of VPRS 2, 3, and 6 on 4 September 2006;

**NOTING** the "Prosecution's Response to 'Observations et demande de mesures spécifiques du représentant légal de VPRS 2, VPRS 3 et VPRS 6 ' ",<sup>3</sup> filed by the Prosecution on 20 September 2006;

**NOTING** the "Prosecution's Response to "Observations et demande de mesures spécifiques du représentant légal de VPRS1, 4 et 5 sur le document 'Prosecutor's information on Further Investigation' du 28 juin 2006""<sup>4</sup> filed by the Prosecution on 26 September 2006;

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<sup>1</sup> ICC-01/04-213-Conf-Exp.

<sup>2</sup> ICC-01/04-214-Conf-Exp.

<sup>3</sup> ICC-01/04-226-Conf-Exp.

<sup>4</sup> ICC-01/04-230-Conf-Exp.

**NOTING** the “*Demande de re-classification des mémoires déposés par le Représentant légal de VPRS1, VPRS2, VPRS3, VPRS4, VPRS5 et VPRS6 en date des 28 août et 1<sup>er</sup> septembre 2006*”,<sup>5</sup> (“the Request for Reclassification”) filed by the legal representative of victims on 26 September 2008, by which the legal representative requests the reclassification of documents ICC-01/04-213 and ICC-01/04-214 as public;

**NOTING** articles 57 (3) (c), 67 (1) and 68 (1) of the *Rome Statute* (the “Statute”); rules 87 and 88 of the *Rules of Procedure and Evidence* (the “Rules”), regulations 8(c) and 23bis of the *Regulations of the Court* (“the Regulations”); and regulations 14 and 24(4) of the *Regulations of the Registry*;

**CONSIDERING** that the Prosecution, in his responses of 20 and 26 September 2006, agreed to the public classification of the said responses as well as the two documents filed by Legal Representatives of VPRS 1, 2, 3, 4, 5 and 6 on 30 August 2006 and 4 September 2006, in that:

The Prosecution hereby files its Response to the Request. It is filing this Response *ex-parte* solely because the Request was filed *ex-parte*. The Prosecution notes that there is nothing in the substance of this Response that requires such a level of confidentiality and that a redacted version of the Request could be filed publicly. This Response may therefore be reclassified as Public.<sup>6</sup>

**CONSIDERING** that the protection of victims required certain redactions on such documents before they become public; and that, in annexes to the Request for Reclassification, the Legal Representatives of VPRS 1, 2, 3, 4, 5 and 6 proposed redacted versions of the two documents filed on 30 August 2006 and 4 September 2006;

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<sup>5</sup> ICC-01/04-541; ICC-01/04-541-Conf-Exp-Anxs1-2.

<sup>6</sup> ICC-01/04-226-Conf-Exp, para. 5; ICC-01/04-230-Conf-Exp., para. 5.

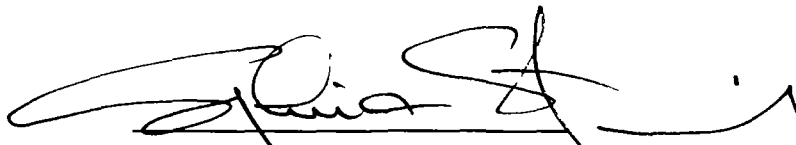
**CONSIDERING** that no observations on the Request for Reclassification were filed by the Prosecution;

**FOR THESE REASONS**

**DECIDE** that documents ICC-01/04-226-Conf-Exp and ICC-01/04-230-Conf-Exp, currently filed in the record of the Situation in the Democratic Republic of the Congo, shall be reclassified as public;

**DECIDE** that documents ICC-01/04-541-Conf-Exp-Anx1 and ICC-01/04-541-Conf-Exp-Anx2 currently filed in the record of the Situation in the Democratic Republic of the Congo shall be reclassified as public;

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



**Judge Sylvia Steiner**  
**Single Judge**

Dated this Wednesday 29 October 2008

At The Hague, The Netherlands