



Original: English

No: ICC-01/04-01/07
Date: 24 January 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

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

Public Document

**Decision concerning observations on the review of the pre-trial detention of
Germain Katanga**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mrs Fatou Bensouda, Deputy Prosecutor
Mr Éric MacDonald, Trial Lawyer
Mrs Florence Darques-Lane, legal
Adviser

Counsel for the Defence

Mr David Hooper
Mr Goran Sluiter
Ms Caroline Buisman

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

NOTING the "Warrant of Arrest against Germain Katanga"¹ issued by the Pre-Trial Chamber I ("the Chamber") on 2 July 2007;

NOTING the "Order on the execution of the Warrant of Arrest against Germain Katanga"² issued by the Chamber on 2 July 2007;

NOTING the "Decision on the evidence and information provided by the Prosecution for the issuance of a warrant of arrest for Germain Katanga"³ issued by the Chamber on 6 July 2007;

NOTING the arrest and surrender of Germain Katanga to the officials of the Court on 18 October 2007 and transfer to the Detention Center of the Court in The Hague on 18 October 2007;⁴

NOTING articles 58, 60(4), 61 and 67 of the Rome Statute ("the Statute"), rule 118 of the Rules of Procedure and Evidence and Regulation 28(2) of the Regulations of the Court;

CONSIDERING that in its Judgment, the Appeals Chamber ruled that "there is a distinct and independent obligation imposed upon the Pre-Trial Chamber to ensure that a person is not detained for an unreasonable period prior to trial under article 60(4) of the Statute" and that "there is, in addition, an obligation upon the Pre-Trial

¹ ICC-01/04-01/07-1-tENG, Pursuant to the decision ICC-01/04-01/07-24 dated 18-10-2007, this document is reclassified as public.

² ICC-01/04-01/07-2-US.

³ ICC-01/04-01/07-4-US.

⁴ ICC-01/04-01/07-40, Pursuant to the oral decision of the Single Judge at the hearing of 14 December 2007, this document is reclassified as public.

Chamber to review the overall period of the detention of the suspect under article 60(4)";⁵

CONSIDERING that according to rule 118 of the Rules, pre-trial detention must be reviewed by the Pre-Trial Chamber at least every 120 days; and that Germain Katanga would have been detained for 120 days on 15 February 2008;


FOR THESE REASONS

DECIDE to give:

(i) the Prosecution until 31 January 2008 at 16h00 to submit observations on the pre-trial detention of Germain Katanga at the seat of the Court;

(ii) the Defence until 7 February 2008 at 16h00 to respond to the Prosecution's observations.

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



Judge Sylvia Steiner
Single Judge

Dated this Thursday 24 January 2008

At The Hague

The Netherlands

⁵ ICC-01/04-01/06-824, para. 98.