

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 July 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Germain Katanga and Mathieu Ngudjolo Chui***

Public Document

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

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, Prosecutor
Mr Éric Macdonald, Senior Trial Lawyer

**Counsel for the Defence
of Germain Katanga**

Mr David Hooper
Ms Caroline Buisman

**Counsel for the Defence of Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J.L. Gilissen
Mr Hervé Diakiese
Mr Jean-Christostome Mulamba
Nsokoloni

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**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I of the International Criminal Court (“the Chamber” and “the Court”, respectively);

NOTING the Warrant of Arrest for Germain Katanga issued by the Chamber on 2 July 2007;¹

NOTING the “Decision on the Evidence and the information provided by the Prosecution for the issuance of a warrant of arrest for Germain Katanga”² issued by the Chamber on 6 July 2007;

NOTING the arrest and surrender of Germain Katanga to the officials of the Court and transfer to the Detention Centre of the Court in The Hague on 18 October 2007;³

NOTING the “Decision Concerning Pre-Trial Detention of Germain Katanga”⁴ issued by the Single Judge on 21 February 2008;

NOTING the “Decision on the Conditions of the Pre-Trial Detention of Germain Katanga”⁵ (“the Decision on the Conditions of the Pre-Trial Detention”) issued by the Single Judge on 21 April 2008, whereby the Single Judge found that Germain Katanga shall remain in pre-trial detention because the condition set forth in article 58(1)(b)(ii) of the Rome Statute continue to be fulfilled insofar as the detention of Germain Katanga remains necessary to ensure that he will not obstruct or endanger the investigation or the court proceedings;

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

¹ ICC-01/04-01/07-1

² ICC-01/04-01/07-4

³ ICC-01/04-01/07-40

⁴ ICC-01/04-01/07-222

⁵ ICC-01/04-01/07-426

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 from the last Decision on the Conditions of the Pre-Trial Detention on 19 August 2008;

CONSIDERING further that as the Single Judge has already stated “the Prosecution has the burden of proof in relation to the continuing existence of the conditions set forth in article 58(1) of the Statute during the time a person is under pre-trial detention”;⁶

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 Chamber to review the overall period of the detention of the suspect under article 60(4)”;⁷

FOR THESE REASONS

DECIDE to give:

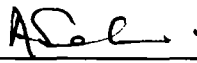
- (i) the Prosecution and the Legal Representatives of Anonymous and Non-Anonymous Victims until Thursday 24 July 2008 at 16h00 to submit their observations on the pre-trial detention of Germain Katanga at the seat of the Court;

⁶ ICC-01/04-01/07-330, p 7

⁷ ICC-01/04-01/06-824, para 98

- (ii) the Defence for Germain Katanga until Friday 8 August 2008 at 16h00 to respond to the observations referred to in (i) above.

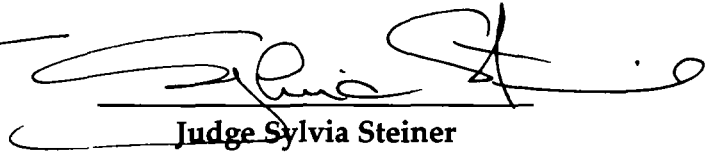
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka
Judge



Judge Sylvia Steiner
Judge

Dated this Wednesday 9 July 2008

At The Hague, The Netherlands