

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: French

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

Date: 25 August 2009

**TRIAL CHAMBER II**

**Before: Judge Bruno Cotte, Presiding Judge  
Judge Fatoumata Dembele Diarra  
Judge Hans-Peter Kaul**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO  
IN THE CASE OF  
*THE PROSECUTOR v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

**Public document**

**Decision Inviting Observations from the Registry on Germain Katanga's  
Application for a Declaration on Unlawful Detention or Stay of Proceedings**

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  
 Ms Fatou Bensouda, Deputy Prosecutor  
 Mr Éric MacDonald, Senior Trial Lawyer

**Counsel for the Defence of Germain**

**Katanga**  
 Mr David Hooper  
 Mr Andreas O'Shea

**Counsel for the Defence of Mathieu**

**Ngudjolo Chui**  
 Mr Jean-Pierre Kilenda Kakengi Basila  
 Mr Jean-Pierre Fofé Djofia Malewa

**Legal Representatives of the Victims**

Mr Jean-Louis Gilissen  
 Mr Fidel Nsita Luvengika  
 Mr Hervé Diakiese  
 Ms Carine Bapita Buyangandu  
 Mr Jean Chrysostome Mulamba  
 Nsokoloni  
 Mr Vincent Lurquin  
 Ms Flora Mbuyu Anjelani  
 Mr Richard Kazadi Kabimba  
 Ms Magali Pirard  
 Mr Dieudonné Kaluba Didwa  
 Mr Lievin Ngondji Ogombe

**Legal Representatives of the Applicants**

**The Office of Public Counsel for  
 Victims**

Ms Paolina Massida

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

**States' Representatives**

*Amicus Curiae*

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**REGISTRY**

**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Victims Participation and Reparations  
 Section**

**TRIAL CHAMBER II** of the International Criminal Court (“the Chamber”);

**NOTING** regulation 28 of the Regulations of the Court;

**NOTING** the application by the Defence for Germain Katanga, “Defence motion for a declaration on unlawful detention and stay of proceedings”, filed on 30 June 2009,<sup>1</sup> the public redacted version of which was filed on 2 July 2009 (“the Application”);<sup>2</sup>

**NOTING** the “Prosecution Response to Defence motion for a declaration on unlawful detention and stay of proceedings” (“the Response”),<sup>3</sup> the public redacted version of which was filed on 17 August 2009;<sup>4</sup>

**NOTING** the description of the facts contained in the Application and addressed in the Response;

**FOR THESE REASONS, THE CHAMBER**

**INVITES** the Registry to file its observations by 4 p.m. on Tuesday, 8 September 2009, and

**INSTRUCTS** the Registry to provide the Democratic Republic of the Congo with an official French translation of the public versions of both the Application and the Response at the earliest opportunity.

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<sup>1</sup> ICC-01/04-01/07-1258-Conf-Exp.

<sup>2</sup> ICC-01/04-01/07-1263.

<sup>3</sup> ICC-01/04-01/07-1335-Conf-Exp.

<sup>4</sup> ICC-01/04-01/07-1381.

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

[signed]

**Judge Bruno Cotte**  
**Presiding Judge**

[signed]

**Judge Fatoumata Dembele Diarra**

[signed]

**Judge Hans-Peter Kaul**

Dated this 25 August 2009

At The Hague, The Netherlands