

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/07  
Date: 16 October 2009

**TRIAL CHAMBER II**

**Before: Judge Bruno Cotte, Presiding Judge  
Judge Fatoumata Dembele Diarra  
Judge Van den Wyngaert**

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

***IN THE CASE OF  
THE PROSECUTOR v. GERMAIN KATANGA and MATHIEU NGUDJOLO CHUI***

**Public Document**

**Decision requesting the parties' observations regarding the review of the  
detention of Germain Katanga pursuant to rule 118(2) of the Rules of  
Procedure and Evidence**

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

Mr Eric MacDonald

**Counsel for Germain Katanga**

Mr David Hooper

Mr Andreas O'Shea

**Counsel for Mathieu Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Jean-Pierre Fofé Djofia Malewa

**Legal Representatives of the Victims**

Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

Mr Anders Backman

**Victims Participation and Reparations  
Section**

**Other**

Trial Chamber II ("Chamber") of the International Criminal Court ("Court"), in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*,

**NOTING** articles 60(3), 60(4), 61(11), 64(6) and 67 of the Rome Statute of the Court ("Statute"), as well as rule 118(2) of the Rules of Procedure and Evidence ("Rules"), and regulation 24 of the Regulations of the Court ('Regulations');

**NOTING** the initial decision on the pre-trial detention of Mr. Germain Katanga rendered by Pre-Trial Chamber I on 21 February 2008<sup>1</sup>, as well as the "Decision on the Conditions of the Pre-Trial Detention of Germain Katanga", issued by the Single Judge on 21 April 2008;<sup>2</sup>

**NOTING** the decision of Pre-Trial Chamber I, rejecting the application for interim release of Mr. Germain Katanga, rendered on 18 August 2008;<sup>3</sup>

**NOTING** the Chamber's decision reviewing the abovementioned decision pursuant to article 61(11) of the Statute of 12 December 2008, in which it ruled that Mr. Germain Katanga should remain in detention;<sup>4</sup>

**NOTING** the third<sup>5</sup> and fourth<sup>6</sup> review of the Pre-Trial Chamber's decision on the Pre-Trial detention of Mr. Germain Katanga rendered on 6 April 2009 and 21 July

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<sup>1</sup> "Decision Concerning the Pre-Trial Detention of Germain Katanga", 21 February 2008, ICC-01/04-01/07-222

<sup>2</sup> "Decision on the Conditions of the Pre-Trial Detention of Germain Katanga", 21 April 2008, ICC-01/04-01/07-426

<sup>3</sup> "Review of the 'Decision on the Conditions of the Pre-Trial Detention of Germain Katanga'", 18 August 2008, ICC-01/04-01/07-702

<sup>4</sup> "Deuxième réexamen de la Décision sur les conditions du maintien en détention de Germain Katanga", 12 December 2008, ICC-01/04-01/07-794

<sup>5</sup> "Troisième examen de la décision sur les conditions du maintien en détention de Germain Katanga", 6 April 2009, ICC-01/04-01-07-1027-Conf-Exp

<sup>6</sup> "Fourth review of the Pre-Trial Chamber's Decision Concerning the Pre-Trial Detention of Germain Katanga pursuant to rule 118 (2) of the Rules of Procedure and Evidence", 21 July 2009, ICC-01/04-01/07-1325

2009 respectively, in which the Chamber decided to continue Mr. Germain Katanga's detention;

**CONSIDERING** that, pursuant to article 60(3) of the Statute and rule 118(2) of the Rules, the initial decision on Mr. Germain Katanga's detention shall be reviewed at least every 120 days; that, on 24 November 2009, Mr. Germain Katanga will have been detained for 120 days since the last decision on the review of his detention;

**CONSIDERING** further that, pursuant to article 60(4) of the Statute, it shall be ensured that a person is not detained for an unreasonable period of time prior to trial due to inexcusable delay by the Office of the Prosecutor ("Prosecution");

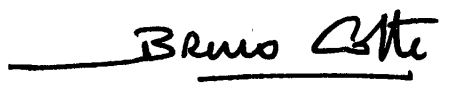
**FOR THESE REASONS,**

**THE CHAMBER,**

**DECIDES** that the Prosecution and the legal representatives of victims shall file their observations on the detention of Mr. Germain Katanga at the Seat of the Court by 4 p.m. on 2 November 2009; and

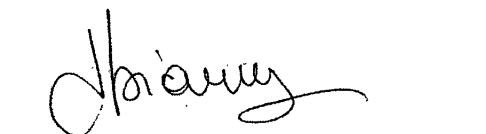
**DECIDES** that the Defence for Mr. Germain Katanga shall submit its own observations and respond to the observations of the Prosecution and the legal representatives of victims by 4 p.m. on 9 November 2009.

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

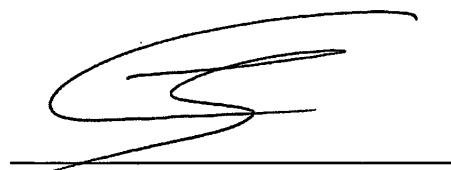


**Judge Bruno Cotte**

**Presiding Judge**



**Judge Fatoumata Dembele Diarra**



**Judge Christine Van den Wyngaert**

Dated this 16 October 2009

At The Hague, the Netherlands