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PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Single Judge

Registrar: Mr. Bruno Cathala

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

Public Redacted Version

Prosecution's Observations on whether the conditions justifying the pre-trial detention of Germain KATANGA pursuant to Article 58(1) of the Statute continue to be met

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Pursuant to the decision of 18 March 2008,¹ the Office of the Prosecutor (“Prosecution” or “OTP”) respectfully submits that the conditions justifying the pre-trial detention of Germain KATANGA (“KATANGA”) pursuant to Article 58(1) of the Rome Statute of the International Criminal Court (“ICC” or “Court”) (“Statute”) continue to be met.

Request for Receipt of Filing as Confidential

The Prosecution requests that this filing be received by the Single Judge as confidential, as it relates to material that is currently treated as confidential.²

Background

1. On 22 June and 25 June 2007, the Prosecution filed a joint application for the issuance of Arrest Warrants against KATANGA and Mathieu NGUDJOLO Chui (“NGUDJOLO”) (“Arrest Warrant Application”).³
2. On 2 July 2007, a Warrant of Arrest was issued against KATANGA (“Arrest Warrant”).⁴ In its decision issuing the Arrest Warrant, the Pre-Trial Chamber I (“PTC I”) decided that the case against KATANGA fell within the jurisdiction of the Court and that the conditions required by article 58(1) of the Statute were met.⁵

¹ ICC-01/04-01/07-330, p. 12.

² The Prosecution is filing a public redacted version together with the present submission because some of the information contained in this submission is currently treated as confidential.

³ See ICC-01/04-01/07-196-Conf-AnxA.

⁴ ICC-01/04-01/07-1.

⁵ ICC-01/04-01/07-4, pp. 26-29.

3. KATANGA received a copy of the Arrest Warrant on 17 and 18 October 2007, prior to and upon his transfer to the Court on 18 October 2007.⁶
4. The first appearance of KATANGA took place on 22 October 2007, during which KATANGA orally requested his interim release⁷ and the Defence Duty Counsel indicated he would subsequently file a written request.⁸
5. On 24 January 2008, PTC I requested that the Prosecution and Defence submit observations on KATANGA's pre-trial detention at the seat of the Court.⁹ On 31 January 2008, the Prosecution submitted its observations¹⁰ and on 7 February 2008, the Defence submitted its observations ("Defence's Response").¹¹ In the alternative, the Defence submitted that the Defence's Response should be treated as an application for interim release.¹²
6. At a hearing held in closed session on 12 February 2008, the Single Judge decided to treat the Defence's Response as an application for interim release. The Single Judge decided that to complete such application the Defence must provide information on the State to which KATANGA sought to be released, pursuant to Regulation 51 of the Regulations of the Court ("Regulations").¹³

⁶ ICC-01/04-01/07-40-Conf-Anx7, Report on the Arrival of the Arrested Person in the Host State, 19 October 2007, p. 2, point 12, p. 3, point 7. According to this report KATANGA received a copy of the Arrest Warrant on 18 October 2007 and confirmed that he received a copy of the Arrest Warrant on 17 October 2007.

⁷ ICC-01/04-01/07-T-5-ENG, p. 22, lines 20-22.

⁸ ICC-01/04-01/07-T-5-ENG, p. 21, lines 11-18; p. 22, lines 3-6; pp. 23-24, p. 25, lines 1-8.

⁹ ICC-01/04-01/07-163.

¹⁰ ICC-01/04-01/07-174.

¹¹ ICC-01/04-01/07-186.

¹² ICC-01/04-01/07-186, para. 22.

¹³ ICC-01/04-01/07-222, p. 4.

7. On 18 February 2008, the Defence filed its further observations stating that:
 “[i]t is not in a position to file a ‘complete application for interim release’ by
 18 February 2008” (“Further Observations”).¹⁴
8. On 21 February 2008, the Single Judge issued a decision concerning
 KATANGA’s pre-trial detention.¹⁵ The Single Judge requested that the
 Prosecution file observations on issues raised by the Defence.¹⁶ The
 Prosecution submitted its observations on 3 March 2008.¹⁷
9. On 18 March 2008, the Single Judge requested that the Prosecution file:
 “submissions on whether the conditions for the pre-trial detention of
 Germain KATANGA continue to be met in light of the fact that the
 Prosecution bears the burden of proof on this matter.”¹⁸
10. The Prosecution submits that KATANGA should remain in detention
 pursuant to Article 58(1) of the Statute because: there are reasonable
 grounds to believe that he has committed war crimes and crimes against
 humanity which are within the jurisdiction of the Court; to ensure
 KATANGA’s appearance at trial; to ensure that KATANGA does not
 obstruct or endanger the investigation or court proceedings. Last,
 KATANGA’s detention is warranted because the conditions set forth in
 Article 58(1) of the Statute continue to be met.

**There are reasonable grounds to believe that KATANGA has committed
 crimes within the jurisdiction of the Court**

¹⁴ ICC-01/04-01/07-206-Conf, para. 6. *See also* ICC-01/04-01/07-222, p. 5.

¹⁵ ICC-01/04-01/07-222.

¹⁶ ICC-01/04-01/07-222, p. 8.

¹⁷ ICC-01/04-01/07-245.

¹⁸ ICC-01/04-01/07-330, p. 12.

11. In its decision issuing the Arrest Warrant (“Decision on the Arrest Warrant”) against Germain KATANGA, PTC I found that there were reasonable grounds to believe that KATANGA had committed crimes within the jurisdiction of the Court.¹⁹ The Pre-Trial Chamber’s determination was based on the evidence adduced in support of the Arrest Warrant Application. Since the issuance of the Arrest Warrant Witness 12 has died and the admissibility of his statement for the confirmation hearing is still pending,²⁰ and REDACTED has withdrawn his cooperation with the Prosecution. Prior to the joinder decision, the Prosecution produced a list of evidence which provided additional evidence further supporting the Prosecution’s allegation made in the Arrest Warrant Application.²¹
12. The Prosecution contends that even if the Prosecution would not be in a position to rely on either of these two statements, the evidence it has so far provided easily establishes that there are reasonable grounds to believe that KATANGA has committed crimes within the jurisdiction of the Court.

Reasons for detention under Article 58(1)(b) of the Statute are disjunctive in nature

13. Only one of the three alternative reasons for detention listed under Article 58(1)(b)(i) to (iii) of the Statute needs to be found, in order for PTC I to be satisfied pursuant to Article 60(2) of the Statute, that the conditions set forth in Article 58(1) of the Statute continue to be met.²² Accordingly, these reasons must be read as disjunctive in nature.

¹⁹ See ICC-01/04-01/07-4, paras. 56-60 and pp. 27-29. See also the Arrest Warrant, ICC-01/04-01/07-01, pp. 6-7.

²⁰ ICC-01/04-01/07-281.

²¹ ICC-01/04-01/07-170-Conf-Anx1D.

²² ICC-01/04-01/06-824, para. 139. The Appeals Chamber confirmed that these three reasons listed at Article 58(1)(b) are in the alternative, stating:

However, as the reasons for detention pursuant to article 58(1)(b)(i) to (iii) of the Statute are in the alternative, the question of whether or not the continued detention of the Appellant

14. The Prosecution submits that KATANGA's detention continues to be necessary: (i) to ensure KATANGA's appearance at trial; and/or (ii) to ensure that KATANGA does not obstruct or endanger the investigation or the court proceedings.

Detention to ensure KATANGA's appearance at trial

15. The Prosecution acknowledges that the circumstances justifying continued detention pursuant to Article 58(1)(b)(i) has changed as KATANGA is no longer in detention at the *Centre Pénitentiaire et de Rééducation de Kinshasa* ("CPRK"). At the time of the issuance of the Arrest Warrant, KATANGA's arrest was necessary pursuant to Article 58(1)(b)(i) as he was in detention with the CPRK, which prevented him from "willingly and voluntarily appearing before the Court."²³ Today, KATANGA's detention continues to be warranted to ensure his appearance at trial.
16. The Prosecution submits that the following factors indicate that detention is still necessary to prevent the risk of KATANGA absconding from the Court's jurisdiction, if released; and accordingly, to ensure his appearance at trial, pursuant to Article 58(1)(b)(i) of the Statute.
17. First, the gravity of the crimes levelled against KATANGA in the Arrest Warrant and Arrest Warrant Application, and the possibility that he faces a

appears necessary under article 58(1)(b)(ii) is ultimately not decisive for the present appeal...For that reason, the Appeals Chamber will not consider any further the arguments of the Appellant in relation to article 58(1)(b)(ii) of the Statute.

See also ICC-01/04-01/07-4, para 63. PTC I stated that: "the Chamber must be satisfied of only one of the conditions set forth in article 58(1)(b) of the Statute.[...]"

²³ ICC-01/04-01/07-4, para 62. Citing from ICC-02/05-01/07-1-Corr (Public), para. 133. Decision on the Issuance of the Arrest Warrants in the *Harun and Kushayb* Case.

long prison sentence, support the existence of a substantial risk of flight from the Court's jurisdiction if KATANGA was to be released.²⁴

18. Second, it is submitted that through KATANGA's former senior positions and his status in the Democratic Republic of the Congo ("DRC"): as the most senior commander of the *Force de Résistance Patriotique en Ituri* ("FRPI"),²⁵ and Brigadier-General in the national army of the *Forces Armées de la République Démocratique du Congo* ("FARDC"),²⁶ KATANGA has established contacts nationally and internationally,²⁷ which provide him with the connections and means to flee. The Prosecution further submits that it is not necessary to show that KATANGA has actually made use of any of those contacts for a risk of flight to exist. There is an element of predictability that he could use those contacts.²⁸

²⁴ See ICC-01/04-01/06-586-tEN, pp. 5-6. PTC I said that because of the gravity of the crimes for which LUBANGA had been charged, there was a substantial risk that he may wish to abscond from the Court's jurisdiction. ICC-01/04-01/06-824, para. 136. The Appeals Chamber upheld the PTC I's approach in taking into account the gravity of the crimes to be charged as a valid factor when evaluating whether the person detained would appear for trial, if released. The Appeals Chamber said it was:

not persuaded by the argument of the Appellant that the [PTC] should not have taken into account the gravity of the crimes allegedly committed by the Appellant. As the Prosecutor correctly notes, the [PTC] did not take into account the gravity of the crimes in isolation but as part of its consideration that the Appellant might abscond. If a person is charged with grave crimes, the person might face a lengthy prison sentence, which may make the person more likely to abscond.

See ICC-01/04-01/06-976, para. 10. The Trial Chamber, when deciding that the defendant should remain in detention, said in relation to Article 58(1)(b)(i) of the Statute that: "the defendant faces grave charges and if released he is likely to return to the [DRC] with the probable consequence that the Court would no longer be able to secure his attendance at trial." The Trial Chamber also referred to the fact that the defendant was highly unlikely to attend his trial voluntarily.

²⁵ ICC-01/04-01/07-1, p. 5; ICC-01/04-01/07-04, para 55: PTC I stated in the Arrest Warrant and Decision on the Arrest Warrant that there are reasonable grounds to believe that KATANGA was the most senior commander of the FRPI.

²⁶ ICC-01/04-01/07-196-Conf-AnxA, paras. 24 and 26. See also ICC-01/04-01/07-170-Conf-Anx1D, p. 4. Refers to DRC-OTP-0086-0036 [REDACTED] at 0037 ; and DRC-OTP- 0107-0701 [REDACTED].

²⁷ For example, witnesses describe KATANGA's various international contacts with the Ugandan authorities directly and through designated intermediaries. See witness statement of [REDACTED], DRC-OTP-0105-0085, paras. 336-339, 390-391. See witness statement of [REDACTED], DRC-OTP-0153-0006, paras. 23-58, and 64-65.

²⁸ See ICC-01/04-01/06-824, para. 137. The Appeals Chamber said it was not persuaded by the Appellant's argument that the PTC I should not have taken into account the international contacts of

19. KATANGA's main ties remain within the DRC, so it is irrelevant if KATANGA seeks to be released outside the DRC.²⁹ He still has resources available to him from his prior positions, and he could make use of the services of former high-ranking members of the *Front des Nationalistes et Intégrationnistes* ("FNI") and the FRPI who have integrated into the ranks of FARDC at senior posts and could assist him to flee from the Court's jurisdiction.³⁰ A number of former FNI and FRPI commanders, who worked closely with KATANGA and/or NGUDJOLO, have joined the FARDC and are currently in Kinshasa, Kisangani or Bunia, or their whereabouts remain unknown.³¹

20. The United Nations Security Council ("UNSC") Sanctions Committee considers KATANGA as a potential risk in using his influence and connections to bring in illegal weapons and matériel into the DRC. As of 7 November 2007, KATANGA remains on the list of individuals pursuant to UNSC Resolution 1596 (2005) ("Res. 1596") who are subject to a global travel ban and a freezing of assets.³² Res. 1596 was issued to stop the flow of illegal

the Appellant because there had been no evidence before the Chamber that the Appellant actually would make use of those contacts to abscond. The Appeals Chamber noted: "that any determination by a [PTC] of whether or not a suspect is likely to abscond necessarily involves an element of prediction."

²⁹ See ICC-01/04-01/06-586-tEN, p. 6. PTC I noted that LUBANGA's main ties were in the DRC. ICC-01/04-01/06-824, para. 136: The Appeals Chamber said it was not persuaded by the Appellant's argument that the PTC I should not have taken into account that the main ties of the Appellant still are in the DRC because the Appellant sought release not to that country but to the UK or to Belgium. The Appeals Chamber observed that: "there is no reason why the [PTC] should not have taken into account the main ties of the Appellant in the [DRC] because it is not inconceivable that he may wish to abscond to that country."

³⁰ ICC-01/04-01/07-196-Conf-AnxA, para. 224.

³¹ ICC-01/04-01/07-224-Anx, para. 16.

³² See UNSC Resolution 1596 (2005) updating UNSC Resolution 1493 (2003) (available at http://www.un.org/Docs/sc/unsc_resolutions05.htm (follow link The situation concerning the Democratic Republic of the Congo); See the UNSC list at http://www.un.org/sc/committees/1533/pdf/1533_list.pdf). The UNSC list last updated on 7 November 2007 refers to KATANGA's positions as "FRPI chief" and "General in the FARDC" and states that KATANGA was under house arrest in Kinshasa from March 2005 for "FRPI involvement in

weapons and matériel into the DRC. Similarly, the Prosecution asserts that, if released, KATANGA could use that influence to secure for himself the means to flee from the Court's jurisdiction.

Detention to ensure KATANGA does not obstruct or endanger the investigation or court proceedings

21. The Prosecution submits that KATANGA must be detained to ensure that he does not obstruct or endanger the investigation or court proceedings, as envisaged by Article 58(1)(b)(ii) of the Statute.

22. The Prosecution asserts that KATANGA still wields influence within the DRC. If released, his contacts and access to resources within the DRC, as described above, would enable him to pressure, threaten, or harm witnesses, thereby obstructing or endangering court proceedings. These contacts can

human rights abuses". It states further that KATANGA was "involved in weapons transfers, in violation of the arms embargo". The list notes that KATANGA has been "[s]urrendered by the Government of the DRC to the International Criminal Court on 18 October 2007". Hence it is clear that, currently, the UNSC Sanctions Committee believes that restrictions should continue to be imposed on KATANGA *notwithstanding* his surrender to the Court. The UNSC extended until 31 March 2008 these measures imposed by Res. 1596 and 1493 (2003) by UNSC Res. 1799 (2008), 15 February 2008 (http://www.un.org/Docs/sc/unsc_resolutions08.htm). See further the annex to European Council Common Position 2005/440/CFSP of 13 June 2005 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:152:0022:0024:EN:PDF>) as amended by European Council Decision 2005/846/CFSP of 29 November 2005 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:314:0035:0040:EN:PDF>). The Council of the European Union similarly imposed restrictions based on UNSC Res. 1596. The latest Council Common Positions regarding restrictive measures against the DRC: 2006/624/CFSP - 15 September 2006 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:253:0034:0035:EN:PDF>), 2007/654/CFSP-9October2007 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:264:0011:0012:EN:PDF>) and Common Position 2008/179/CFSP - 29 February 2008 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:057:0037:0037:EN:PDF>), have made no change to the presence of KATANGA on the list of persons subject to the measures. Common Position 2008/179/CFSP notes that on 15 February 2008, the United Nations Security Council adopted UNSCR 1799 (2008) extending the measures against the DRC until 31 March 2008. It accordingly extends Common Position 2005/440/CFSP and amends it so that the Common Position "...shall be reviewed, amended or repealed as appropriate, in light of determinations made by the United Nations Security Council".

also provide him with access to information, which would not otherwise be publicly available.³³

23. The Prosecution submits that it is not necessary to show that KATANGA has already sought to obstruct or endanger the investigation or court proceedings.³⁴ However, in fact, as mentioned by PTC I in its 3 December 2007 Decision, the Prosecution has provided information that people under KATANGA's control have already threatened witnesses in the past.³⁵

24. During his detention at the CPRK, KATANGA maintained the ability to send instructions either through intermediaries or via telephone.³⁶ Whilst conditions of detention of the Court may be different from the CPRK and may support active monitoring of KATANGA's communications; if released, KATANGA would have uncontrolled contacts enabling him to influence or threaten witnesses or tamper with evidence.

³³ ICC-01/04-01/07-224-Anx, para. 16. See ICC-01/04-01/07-196-Conf-AnxA, para 224. Resources available to KATANGA include former FNI and FRPI members such as [REDACTED] and [REDACTED] who have integrated into the FARDC.

³⁴See ICC-01/04-01/06-586-tEN, p. 6. PTC I found that LUBANGA knew the identities of certain witnesses, and that OTP stated that if he were to be released he would be in a position to have completely unmonitored communications with the outside world, and there would be a risk that he would, directly, or indirectly with the help of others, exert pressure on the witnesses, thus obstructing or endangering the court proceedings. PTC I noted that some witnesses appearing in trials of middle or high ranking UPC members before the *Tribunal de Grande Instance* of Bunia had been killed or threatened. See A. Schlunck, 'Article 58: Issuance by the Pre-Trial Chamber of a warrant of arrest or a summons to appear', in *Commentary on the Rome Statute of the International Criminal Court*, O. Triffterer (ed.), Nomos Verlagsgesellschaft, Baden-Baden, 1999, pp. 757-758:

It is not necessary that the suspect already has attempted to obstruct or endanger the investigation; it is sufficient that the [PTC] has reasonable grounds to believe that such an interference could happen. The assessment could be based, for instance, on the gravity of the charges and the presumed consequences for the suspect. In particular, the [PTC] could rely on the assumption that the suspect might interfere with or destroy evidence, intimidate or influence witnesses or engage in collusion with accomplices.

³⁵ ICC-01/04-01/07-224-Anx, para. 17.

³⁶ ICC-01/04-01/07-4, para 63. As PTC I observed, the Prosecution had indicated and Registry had confirmed that:

the conditions in the CPRK do not prevent detainees from speaking with outsiders, including by means of unmonitored phone calls. This, according to the Prosecution, provides [KATANGA] with the opportunity to, *inter alia*, influence potential witnesses or to arrange false testimonies with potential witnesses who are former members of the FRPI.

25. [REDACTED], mentioned that he was threatened by a former militia leader.³⁷ Moreover, between February and April 2006, the former FRPI commander [REDACTED] specifically inquired about the whereabouts of REDACTED.³⁸ REDACTED expressed fear for his own security at the end of last year.³⁹

26. An OTP witness has explained that individuals were trying to identify persons close to the FNI and/or FRPI, who may have cooperated or might cooperate with the OTP in relation to investigation of crimes allegedly committed by members of FNI and/or FRPI.⁴⁰

27. PTC I also referred to OTP's information that since the arrest and surrender of KATANGA, the Ngiti community has been trying to identify those whom they consider to be traitors and that they do so by tracking down people's movements.⁴¹

28. Moreover, FRPI members under KATANGA's command have previously obstructed investigations into the attack at Bogoro. On 26 March 2003, MONUC investigators were refused permission to conduct a thorough visit of Bogoro by Commander REDACTED, thereby obstructing MONUC's investigations into crimes allegedly committed in Bogoro. REDACTED confirmed at the time he was under the command of KATANGA.⁴²

³⁷ ICC-01/04-01/07-88-Conf, para. 18. See also list of evidence ICC-01/04-01/07-170-Conf-Anx1D, Document DRC-OTP-0155-0106, at 0109, para. 18.

³⁸ ICC-01/04-01/07-88-Conf, para. 18.

³⁹ ICC-01/04-01/07-88-Conf, para. 18.

⁴⁰ ICC-01/04-01/07-90, para. 17.

⁴¹ ICC-01/04-01/07-90 para. 21.

⁴² ICC-01/04-01/07-4, para. 63. PTC I referred to OTP's observations regarding this, in the Decision on the Arrest Warrant. See also list of evidence ICC-01/04-01/07-170-Conf-Anx1D, Document DRC-OTP-0129-0267, at 0288-0289, para. 66.

29. The Single Judge, in assessing witness protection issues related to authorisation for redactions, also referred to the particular weight that can be given to the following factors:

- “(i) the current volatile situation in the Ituri and Kinshasa areas;
- (ii) the influence of Germain KATANGA and Mathieu NGUDJOLO in the Ituri and Kinshasa areas today, and their close connections to FNI and/or FRPI supporters currently living in these areas;
- (iii) the capabilities of the supporters of Germain KATANGA and Mathieu NGUDJOLO to interfere with ongoing and further Prosecution investigations and/or Prosecution witnesses, victims and members of their families; and
- (iv) the several precedents of interference with Prosecution witnesses by FNI and/or FRPI members, [REDACTED].”⁴³

30. The fact that KATANGA now knows the identity of certain witnesses, the gravity of the charges against him and the possibility of a lengthy prison term heighten the risk he may pose to Prosecution witnesses thereby warranting his continued detention.⁴⁴

31. If released, KATANGA would be able to obstruct or endanger the investigation or court proceedings, because of the continued influence he wields in the region, regardless of his physical location or distance from the DRC. Even if KATANGA sought to be released to countries outside the DRC, the risk of flight or interference with witnesses persists. Moreover,

⁴³ ICC-01/04-01/07-224-Anx, para. 22.

⁴⁴ See *Prosecutor v Fofana and others*, Appeal against Decision Refusing Bail, SCSL-04-14-T-371, 11 March 2005, para. 31. The SCSL Appeals Chamber stated that:

Given the practical difficulties facing international criminal justice at this time, courts must demonstrate a resolve to ensure that those suspects who have been arrested do in due course face trial, and are not given bail in circumstances where there is a real risk that they would flee or intimidate prosecution witnesses or resume the conduct for which they have been indicted.

States to which KATANGA may seek to be released have no obligation to guarantee that he appears for trial, and does not threaten or intimidate or harm a witness, as a condition for his interim release.⁴⁵

32. The Prosecution submits that the conditions set forth in Article 58(1) of the Statute continue to be met and accordingly, KATANGA must continue to be detained. As mentioned by the Appeals Chamber, albeit when analysing the requirements under Article 60(2) of the Statute, conditions pursuant to Article 58(1) of the Statute are not discretionary and where the conditions continue to be met, the detained person must continue to be detained.⁴⁶

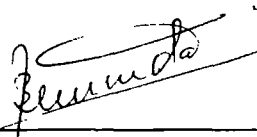
⁴⁵ *Prosecutor v Blagojevic et al.*, Decision on Application for Dragomir Jokic for Leave to Appeal, IT-02-53-AR65, 18 April 2002, paras. 7-8.

⁴⁶ ICC-01/04-01/06-824, 13 February 2007, para. 134: The Appeals Chamber in *Prosecutor v. Lubanga* ("Lubanga") reiterated that where the conditions under Article 58(1) are met, there is an obligation to detain that person:

At the outset, the Appeals Chamber deems it appropriate to clarify that the decision on continued detention or release pursuant to article 60(2) read with article 58(1) of the Statute is not of a discretionary nature. Depending upon whether or not the conditions of article 58(1) of the Statute continue to be met, the detained person *shall* be continued to be detained [sic] or *shall* be released.

Request

33. For the foregoing reasons, the Prosecution respectfully submits that the conditions of Article 58(1) of the Statute continue to be met. Therefore, KATANGA's detention at the ICC Detention Unit is necessary, where his communications may be actively monitored.



Luis Moreno-Ocampo
Prosecutor

Dated this 26th day of March 2008

At The Hague, The Netherlands