

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 June 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

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
Mathieu Ngudjolo Chui**

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

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

NOTING the Warrant of Arrest for Mathieu Ngudjolo Chui issued by Pre-Trial Chamber I ("the Chamber") on 6 July 2007;¹

NOTING the "Decision on the evidence and information provided by the Prosecution for the issuance of an arrest warrant against Mathieu Ngudjolo Chui"² issued by the Chamber on 6 July 2007;

NOTING the arrest and surrender of Mathieu Ngudjolo Chui to the officials of the Court and transfer to the Detention Centre of the Court in The Hague on 7 February 2008;³

NOTING the application entitled "*Demande de mise en liberté provisoire*"⁴ filed by the Defence for Mathieu Ngudjolo Chui on 13 February 2008;

NOTING the "Decision on the Application for Interim Release of Mathieu Ngudjolo Chui"⁵ issued by the Single Judge on 27 March 2008, whereby the Single Judge found that Mathieu Ngudjolo Chui shall remain in pre-trial detention because the alternative conditions set forth in article 58(l)(b)(i) and (ii) of the Statute continue to be fulfilled insofar as the detention of Mathieu Ngudjolo Chui remains necessary to ensure (i) his appearance at trial; and (ii) that he will not obstruct or endanger the investigation or the court proceedings;

NOTING the "Judgment In the Appeal by Mathieu Ngudjolo Chui of 27 March 2008 against the Decision of Pre-Trial Chamber I on the Application of the Appellant for

¹ ICC-01/04-01/07-260

² ICC-01/04-01/07-262

³ ICC-01/04-01/07-276-Conf and its annexes (ICC-01/04-01/07-276-Conf-Anx1-13)

⁴ ICC-01/04-01/07-280

⁵ ICC-01/04-01/07-344-Conf

Interim Release”⁶ rendered by the Appeals Chamber on 9 June 2008, in which the Appeals Chamber has upheld the decision of the Single Judge of 27 March 2008;

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 24 of the *Regulations of the Court* (“the Regulations”);

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 Mathieu Ngudjolo Chui would have been detained for 120 days on 25 July 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”⁷

FOR THESE REASONS

DECIDE to give:

- (i) the Prosecution and the Legal Representatives of Anonymous and of Non-Anonymous Victims until 2 July 2008 at 16h00 to submit their observations on the pre-trial detention of Mathieu Ngudjolo Chui at the seat of the Court;

⁶ ICC-01/04-01/07-572 OA 4

⁷ ICC-01/04-01/07-330, page 7

- (ii) the Defence for Mathieu Ngudjolo Chui until 17 July 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 Sylvia Steiner
Single Judge

Dated this Tuesday 17 June 2008

At The Hague, The Netherlands