

**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-Chrisostome 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;<sup>1</sup>

**NOTING** the “Decision on the Evidence and the information provided by the Prosecution for the issuance of a warrant of arrest for Germain Katanga”<sup>2</sup> 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;<sup>3</sup>

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

**NOTING** the “Decision on the Conditions of the Pre-Trial Detention of Germain Katanga”<sup>5</sup> (“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*;

---

<sup>1</sup> ICC-01/04-01/07-1

<sup>2</sup> ICC-01/04-01/07-4

<sup>3</sup> ICC-01/04-01/07-40

<sup>4</sup> ICC-01/04-01/07-222

<sup>5</sup> 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”;<sup>6</sup>

**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)”;<sup>7</sup>

## **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;

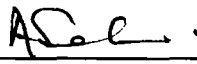
---

<sup>6</sup> ICC-01/04-01/07-330, p 7

<sup>7</sup> 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.

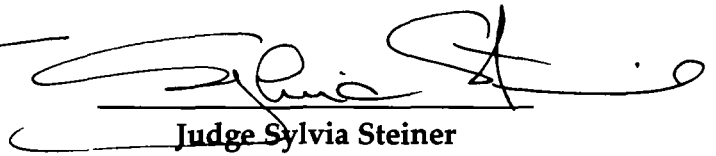
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia  
Presiding Judge



Judge Anita Ušacka  
Judge



Judge Sylvia Steiner  
Judge

Dated this Wednesday 9 July 2008

At The Hague, The Netherlands