



Original: **English**

No.: **ICC-01/04-01/07**
Date: **15 October 2008**

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

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

Public Document

Defence Motion relative to the Family Visit

Source: Defence for Mr Germain Katanga

Document 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 Eric Macdonald, Senior Trial Lawyer

Counsel for the Defence for Germain Katanga

Mr David Hooper
Ms Caroline Buisman

Counsel for the Defence for Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila
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Legal Representatives of Victims

Ms Carine Bapita Buyangandu
Mr Joseph Keta
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Legal Representatives of Applicants
[1 name per team maximum]

Mr Hervé Diakiese

Ms Paolina Massidda

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

[2 names maximum]

The Office of Public Counsel for the Defence

Mr Xavier Jean Keïta
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States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. The Defence for Germain Katanga (“Defence”) refers to the order of the Pre-Trial Chamber of 19th September 2008 ordering the Registrar to submit an updated report in respect of the situation of the proposed family visit¹ and to the consequent report submitted by the Registrar dated 25th September.²
2. Noting that the Pre-Trial Chamber has consistently demonstrated a concern that the family visit requested by Germain Katanga take place as expeditiously as possible, the Defence for Germain Katanga draws the following to the Chamber’s attention.
3. As stated in the Registrar’s report, passports for Germain Katanga’s family were received on September 12th last. Since then the Defence understands that the passports have been submitted to the relevant authority of the Netherlands, in Kinshasa, for visas. The Defence are aware and appreciative of the efforts that have been made by Mr Dubuission in this respect and recognise that the matter presently rests very much in the hands of the Dutch authorities. However, despite the month that has elapsed since the passports were made available, Mr Katanga has received little indication when the family visit will take place. The Defence note that, insofar as it is aware, no attempt has been made in recent weeks by the Registry to keep Mr Katanga abreast of events. The Defence has not received a meaningful response to recent requests for information.
4. The Defence note the appropriate concern displayed by the Pre-Trial Chamber that the family visit take place. The matter is of obvious concern to Mr Katanga. This Friday, October 17th, will mark one year since he was transferred to the Hague by the ICC. It is reasonable that he be assured that all that can be done is being done to secure him his long awaited family visit.
5. The Defence respectfully request the Pre-Trial Chamber to:
 - (i) order the Registrar to provide a further update on the situation;
 - (ii) request the co-operation of the Netherlands’ authorities in expediting the process of obtaining the necessary visas;
 - (iii) order the Registrar to keep Germain Katanga fully informed, on a weekly basis, of the progress of the situation.

¹ ICC-01/04-01/07-712.

² ICC-01/04-01/07-715.

Respectfully submitted,



David HOOPER
Lead Counsel for Germain Katanga

Dated this 15th October 2008

At London