



Original: **English**

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

Date: 13 July 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Hans-Peter Kaul

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

Public Document

Defence Observations on the Detention of Mr Germain Katanga

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
Mr Andreas O'Shea

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Legal Representatives of Victims

Ms Carine Bapita Buyangandu
Mr Joseph Keta
Mr Jean-Louis Gilissen
Mr Hervé Diakiese
Mr Jean Chrysostome Mulamba
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Mr Fidel Nsita Luvengika
Mr Vincent Lurquin
Ms Flora Mbuyu Anjelani

Legal Representatives of 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

1. The position of Germain Katanga remains the same as stated in previous filings¹ and the Defence does not presently seek his provisional release. The Defence notes that the Prosecution makes a number of allegations of a prejudicial nature which have been raised previously.² The Defence has commented before on the allegations, which are of a general and unpersuasive nature, and does not trouble the Chamber by repeating those submissions here.

Respectfully submitted,



David HOOPER

Dated this 13 July 2009

At The Hague

¹ Cf., *inter alia*, ICC-01/04-01/07-967-Conf-Exp, Defence Observations on the Detention of Mr Germain Katanga, 19 March 2009, and its public redacted version filed on 20 march 2009, ICC-01/04-01/07-970; ICC-01/04-01/07-780, Defence observations on the Detention of Mr Germain Katanga, 4 December 2008.

² Cf., *inter alia*, ICC-01/04-01/07-952-Conf-Exp, Prosecution's Observations on the Review of the Pre-Trial Detention of Germain KATANGA, 12 March 2009, paras 15-16, and its public redacted version ICC-01/04-01/07-953; ICC-01/04-01/07-775, Prosecution's Observations on the Review of the Pre-Trial Detention of Germain KATANGA, 26 November 2008, para. 20.