

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 October 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

***IN THE CASE OF
THE PROSECUTOR
v. Germain KATANGA and Mathieu NGUDJOLO CHUI***

**Public
with public Annex A**

**Prosecution's submission of additional authority regarding "Defence motion for a
declaration of unlawful detention and stay of proceedings"**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence of Germain Katanga
Mr David Hooper

Counsel for the Defence of Mathieu Ngudjolo Chui
Mr Jean-Pierre Kilenda Kakengi Basila

Legal Representatives of Victims

Mr Fidel Nsita Luvengika
Mr Jean-Louis Gilissen

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

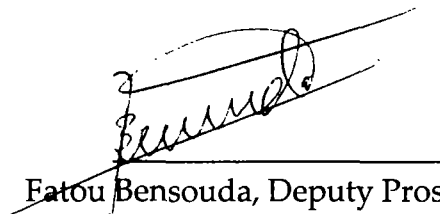
Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section **Other**

1. On 30 June 2009, the Defence of Germain Katanga filed a "Defence motion for a declaration of unlawful detention and stay of proceedings" ("Defence Motion").¹
2. On 24 July 2009, the Prosecution filed a response to the Defence Motion.²
3. On 4 September 2009, the Prosecution filed a request pursuant to Regulation 28 for leave to present an additional authority regarding the Defence Motion.³
4. On 6 October 2009, the Legal Officer of Trial Chamber II informed the Prosecution via email that the Trial Chamber requests the Prosecution to file the additional authority mentioned in the Prosecution's request of 4 September 2009.
5. The Prosecution hereby files, in Annex A, a copy of the following decision of a Trial Chamber of the International Criminal Tribunal for the Former Yugoslavia:

Prosecutor v. Radovan Karadžić, IT-95-5/18-PT, Decision on the Accused's Motion for Remedy for Violation of Rights in Connection with Arrest, 31 August 2009.



Fatou Bensouda, Deputy Prosecutor

Dated this 6th day of October 2009

At The Hague, The Netherlands

¹ ICC-01/04-01/07-1258-Conf-Exp. Following Trial Chamber II's Instruction dated 03/07/2009, this document is reclassified as Confidential Ex parte, only available to Katanga Defence Team and Prosecution. On 2 July 2009, the Defence filed a public redacted version of this document (ICC-01/04-01/07-1263).

² ICC-01/04-01/07-1335-Conf-Exp. A public redacted version of the Prosecution response was filed on 17 August 2009 (ICC-01/04-01/07-1381).

³ ICC-01/04-01/07-1455.