

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 16 October 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge 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 Document

**Decision requesting the parties' observations regarding the review of the
detention of Germain Katanga pursuant to rule 118(2) of the Rules of
Procedure and Evidence**

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
Ms Fatou Bensouda
Mr Eric MacDonald

Counsel for Germain Katanga

Mr David Hooper
Mr Andreas O'Shea

Counsel for Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila
Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Mr Fidel Nsita Luvengika
Mr Jean-Louis Gilissen

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

Mr Anders Backman

**Victims Participation and Reparations
Section**

Other

Trial Chamber II ("Chamber") of the International Criminal Court ("Court"), in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*,

NOTING articles 60(3), 60(4), 61(11), 64(6) and 67 of the Rome Statute of the Court ("Statute"), as well as rule 118(2) of the Rules of Procedure and Evidence ("Rules"), and regulation 24 of the Regulations of the Court ('Regulations');

NOTING the initial decision on the pre-trial detention of Mr. Germain Katanga rendered by Pre-Trial Chamber I on 21 February 2008¹, as well as the "Decision on the Conditions of the Pre-Trial Detention of Germain Katanga", issued by the Single Judge on 21 April 2008;²

NOTING the decision of Pre-Trial Chamber I, rejecting the application for interim release of Mr. Germain Katanga, rendered on 18 August 2008;³

NOTING the Chamber's decision reviewing the abovementioned decision pursuant to article 61(11) of the Statute of 12 December 2008, in which it ruled that Mr. Germain Katanga should remain in detention;⁴

NOTING the third⁵ and fourth⁶ review of the Pre-Trial Chamber's decision on the Pre-Trial detention of Mr. Germain Katanga rendered on 6 April 2009 and 21 July

¹ "Decision Concerning the Pre-Trial Detention of Germain Katanga", 21 February 2008, ICC-01/04-01/07-222

² "Decision on the Conditions of the Pre-Trial Detention of Germain Katanga", 21 April 2008, ICC-01/04-01/07-426

³ "Review of the 'Decision on the Conditions of the Pre-Trial Detention of Germain Katanga'", 18 August 2008, ICC-01/04-01/07-702

⁴ "Deuxième réexamen de la Décision sur les conditions du maintien en détention de Germain Katanga", 12 December 2008, ICC-01/04-01/07-794

⁵ "Troisième examen de la décision sur les conditions du maintien en détention de Germain Katanga", 6 April 2009, ICC-01/04-01-07-1027-Conf-Exp

⁶ "Fourth review of the Pre-Trial Chamber's Decision Concerning the Pre-Trial Detention of Germain Katanga pursuant to rule 118 (2) of the Rules of Procedure and Evidence", 21 July 2009, ICC-01/04-01/07-1325

2009 respectively, in which the Chamber decided to continue Mr. Germain Katanga's detention;

CONSIDERING that, pursuant to article 60(3) of the Statute and rule 118(2) of the Rules, the initial decision on Mr. Germain Katanga's detention shall be reviewed at least every 120 days; that, on 24 November 2009, Mr. Germain Katanga will have been detained for 120 days since the last decision on the review of his detention;

CONSIDERING further that, pursuant to article 60(4) of the Statute, it shall be ensured that a person is not detained for an unreasonable period of time prior to trial due to inexcusable delay by the Office of the Prosecutor ("Prosecution");

FOR THESE REASONS,

THE CHAMBER,

DECIDES that the Prosecution and the legal representatives of victims shall file their observations on the detention of Mr. Germain Katanga at the Seat of the Court by 4 p.m. on 2 November 2009; and

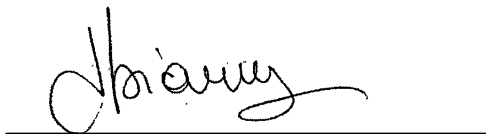
DECIDES that the Defence for Mr. Germain Katanga shall submit its own observations and respond to the observations of the Prosecution and the legal representatives of victims by 4 p.m. on 9 November 2009.

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

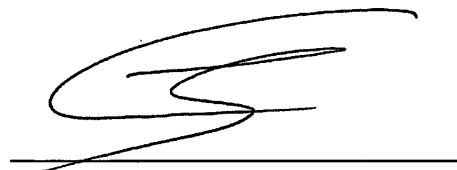


Judge Bruno Cotte

Presiding Judge



Judge Fatoumata Dembele Diarra



Judge Christine Van den Wyngaert

Dated this 16 October 2009

At The Hague, the Netherlands