

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/07
Date: 22 October 2007

PRE-TRIAL CHAMBER I

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

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
v. GERMAIN KATANGA**

Confidential

Ex-parte only available to the Prosecution and the Defense

**Information to the Chamber on the execution of the Request for the arrest and
surrender of Germain Katanga**

**The Office of the Prosecutor
Mr. Luis Moreno-Ocampo, Prosecutor
Ms. Ftou Bensouda, Deputy Prosecutor
Mr. Eric McDonald, Trial Lawyer**

**Counsel for the Defence
Mr. Jean-Xavier Keïta, Duty Counsel
(Office of Public Counsel for the
Defense)**

THE REGISTRAR of the International Criminal Court ("the Court");

NOTING the Warrant of Arrest for Germain Katanga, issued by Pre-Trial Chamber I ("the Chamber") on 2 July 2007¹ ("the Warrant of Arrest");

NOTING the letter dated 15 March 2006 of the UN Sanction Committee to lift the travel ban imposed on Congolese nationals by UN Resolution 1596 (2005);²

NOTING articles 89 and 91 of the *Rome Statute* and rules 117, 176(2), 184 and 187 of the *Rules of Procedure and Evidence*;

NOTING that the Registrar has proceeded to undertake the necessary steps to ensure the arrest, surrender and transfer of Mr. Germain Katanga to the Court, including the transmission of a request for transit to the French Republic³, as per articles 87(5) and 89(3) of the *Rome Statute*;

NOTING that Mr. Germain Katanga was extracted from the "*Centre Pénitentiaire et de Rééducation de Kinshasa*" on 17 October 2007 where he had been detained since 19 March 2005;⁴

NOTING that Mr. Germain Katanga was notified of the warrant of arrest by the judicial Congolese authorities on 17 October 2007;⁵

¹ ICC-01/04-01/07-1-US-tENG.

² Annex 1. Letter from the President of the Sanction Committee to the Permanent Representative of the Kingdom of the Netherlands to the United Nations.

³ Annex 2. Demande de transit adressée au Gouvernement de la République Française.

⁴ See Annex 3.2. Mandat d'extraction.

⁵ See Annex 3.7. Rapport sur la procédure d'arrestation.

NOTING that Mr. Germain Katanga appeared before the competent judicial authority in the Democratic Republic of the Congo on 17 October 2007 and that he was assisted by his Counsel;⁶

NOTING that Colonel Toussaint Muntazini Mukimapa, the “Avocat Général” of the “Haute Cour Militaire”, acting for General Joseph Ponde Isambwa, the “Auditeur Général” of the “Haute Cour Militaire” as the competent judicial authority, issued the decision to surrender Mr. Germain Katanga to the Court on 17 October 2007;

NOTING that on 17 October 2007, the “Avocat Général”, acting for the “Auditeur Général” transmitted to the representative of the Registrar, the file of the surrender procedure⁷ of Mr. Germain Katanga which includes a judicial identification record; a Mandat d’Extraction; a copy of the practicing certificate of the Counsel chosen by Mr. Germain Katanga together with handwritten observations from Mr. Germain Katanga; a PV (process verbal) of the notification of the request for arrest and surrender; a handwritten PV d’audition before Colonel Toussaint Muntazini Mukimapa, the “Avocat Général” of the “Haute Cour Militaire”; the Decision No. 001/2007 of the “Auditeur Général” dated 17 October 2007; and the report on the arrest procedure prepared by the “Avocat Général”;

NOTING that Mr. Germain Katanga was medically examined by a doctor designated by the Court on 17 October 2007, who certified that the detained person was fit to travel;⁸

NOTING that the transfer of custody of Mr. Germain Katanga from the Congolese authorities to the Court took place on 18 October 2007;⁹

⁶ See Annex 3.3. Copy of the practicing certificate of the Counsel.

⁷ Annex 3, and 3.1 to 3.7. File of the surrender procedure.

⁸ Annex 4. Déclaration du Médecin.

NOTING that Mr. Germain Katanga was transferred to The Hague and arrived on 18 October 2007;¹⁰

CONSIDERING that the Registrar has ensured that Mr. Germain Katanga received a file containing the Court's basic legal documents and that his rights were read to him upon admission to the ICC Detention Centre on 18 October 2007, pursuant to Regulation 186 of the Regulations of the Registry;¹¹

CONSIDERING that Mr. Germain Katanga was subject to a medical examination upon admission to the ICC Detention Centre on 18 October 2007 in accordance with Regulation 190 of the Regulations of the Registry;¹²

CONSIDERING that on 19 October 2007, Mr. Germain Katanga was notified of the *"Decision Scheduling the First Appearance of Germain Katanga and Authorising Photographs at the Hearing of 22 October 2007"*¹³, and was further informed of his right to appear before the duty judge prior to the hearing of 22 October 2007;¹⁴

⁹ Annex 5. Déclaration de remise.

¹⁰ Annex 6. Rapport sur la remise et le transfert de la personne arrêtée.

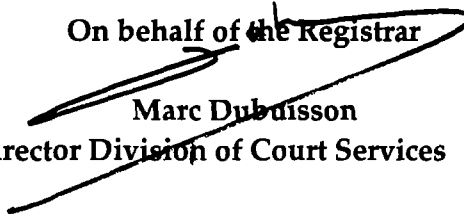
¹¹ Annex 7. Report on the arrival of the detained person in the Host State.

¹² Annex 8. Statement of the Medical Officer of the ICC Detention Centre.

¹³ ICC-01/04-01/07-26.

¹⁴ Annex 9. Procès verbal de notification.

HEREBY declares that the Registrar has met his obligations in respect of the arrest and surrender of Mr. Germain Katanga.

On behalf of the Registrar

Marc Dubuisson
Director Division of Court Services

Dated this Monday 22 October 2007

At The Hague, The Netherlands