

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

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

Date: **6 July 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***

Under seal

URGENT

**REQUEST TO THE DEMOCRATIC REPUBLIC OF THE CONGO FOR
THE ARREST AND SURRENDER OF GERMAIN KATANGA**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Ms Christine Chung, Senior Trial Lawyer

Mr Eric McDonald, Trial Lawyer

THE REGISTRAR of the International Criminal Court;

NOTING the warrant of arrest issued for Mr Germain Katanga on 2 July 2007 by Pre-Trial Chamber I (“the Chamber”) pursuant to article 58 of the *Statute of the Court* (“the Statute”), to which a photograph of Mr Katanga is attached;¹

NOTING the decision of the Chamber issued on 2 July 2007, assigning to the Registrar of the Court the task of preparing and transmitting the request for the arrest and surrender of Mr Germain Katanga to the competent authorities of the Democratic Republic of the Congo, in accordance with rule 176 of the *Rules of Procedure and Evidence*;²

NOTING articles 19, 20, 57, 59, 60, 67, 87, 89, 91 and 97 of the Statute, rules 21, 117 to 119, 176, 184 and 187 of the *Rules of Procedure and Evidence* and regulations 31, 76 and 111 of the *Regulations of the Court*;

CONSIDERING that, pursuant to article 89(1) of the Statute, the Court may transmit a request for the arrest and surrender of a person to any State on the territory of which that person may be found;

REQUESTS the Democratic Republic of the Congo (“the requested State”) to execute the warrant of arrest issued by Pre-Trial Chamber I for Germain Katanga, who is believed to be a national of the Democratic Republic of the Congo, born on 28 April 1978 in Mambasa, Mambasa territory, Ituri district, son of Jacob Nduru and Elizabeth Regine, married to Denise Katanga and father of two children, and believed to be the leader of the FNI, allegedly detained at the *Centre pénitentiaire et de rééducation de Kinshasa*, and who also goes by the name of Simba.

¹ ICC-01/04-01/07-1-US.

² ICC-01/04-01/07-2-US.

REQUESTS the requested State to ensure the safety of Germain Katanga until his final surrender to the Registrar of the Court;

REQUESTS, pursuant to article 87(3) of the Statute, the requested State to keep confidential this request for arrest and surrender and any documents attached thereto, except to the extent that their disclosure is necessary for the execution of this request;

REQUESTS, pursuant to article 87(4) of the Statute, the requested State to provide and handle any information that is made available to it with respect to this request in a manner that protects the safety and physical or psychological well-being of any victims, potential witnesses and their families;

REQUESTS the requested State to inform the Court of any application made by Germain Katanga to a national court under articles 59(3) or 89(2) of the Statute;

REQUESTS the requested State to notify the Court, pursuant to article 91(2)(c) of the Statute, of any documents, statements or information, other than the warrant of arrest and the photographs attached thereto, as may be necessary for the requested State to meet the requirements for the surrender process;

REQUESTS the requested State to inform the Court, pursuant to article 97 of the Statute, of any problems which may impede or prevent the execution of this request or which may delay it as contemplated under article 89(4) of the Statute;

REQUESTS that the requested State deliver Germain Katanga to the Court as soon as possible once it has ordered his surrender;

REQUESTS the requested State to immediately inform the Registrar of the Court, pursuant to rule 184 of the *Rules of Procedure and Evidence*, when Germain Katanga is available for surrender;

REMINDS the requested State of its obligation to comply with the procedure set forth in article 59 of the Statute;

ATTACHES to this request, in accordance with articles 87 and 91 of the Statute, rule 187 of the *Rules of Procedure and Evidence* and regulation 111 of the *Regulations of the Court*, the following documents in French, the language chosen by the requested State when it ratified the Statute:

- i) a copy of the warrant of arrest for Germain Katanga issued on 2 July 2007, to which his photographs are attached;
- ii) a copy of the order on the execution of the warrant of arrest for Germain Katanga, rendered by Pre-Trial Chamber I on 2 July 2007;
- iii) a copy of the relevant provisions of the Statute and the *Rules of Procedure and Evidence* in a language which Germain Katanga fully understands and speaks;

[signed]

**On behalf of the Registrar,
Marc Dubuisson,
Head of the Division of Court Services**

Dated this 6 July 2007

At The Hague, The Netherlands