

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07
Date: 19 September 2008

PRE-TRIAL CHAMBER I

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Germain Katanga and Mathieu Ngudjolo Chui***

**Public Document
Urgent**

**Order to the Registrar to Submit a Report Concerning the Defence Request of
10 September 2008**

Order 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 Éric Macdonald, Senior Trial Lawyer

**Counsel for the Defence
of Germain Katanga**

Mr David Hooper
Ms Caroline Buisman

**Counsel for the Defence of Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyangandu
Mr Joseph Keta
Mr J.L. Gilissen
Mr Hervé Diakiese
Mr Jean-Christostome Mulamba
Nsokoloni

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

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I of the International Criminal Court (“the Chamber” and “the Court”, respectively);

NOTING the arrest and surrender of Mathieu Ngudjolo Chui to the Court and his transfer to the Detention Centre at the seat of the Court in The Hague on the 7 February 2008;¹

NOTING the status conferences held on the 3 June 2008² and 19 June 2008,³ and the respective submissions of the Defence for Mathieu Ngudjolo Chui⁴ and the Registrar on family visits;⁵

NOTING the oral ruling of the Single Judge, ordering the Registrar to provide a report on the measures undertaken to facilitate that passports or any alternative documents are issued for the family members of Mathieu Ngudjolo Chui;⁶

NOTING the “*Rapport du Greffe sur l’état d’avancement des demandes de passeports pour les familles des personnes détenues pour les besoins des visites familiales*”⁷ filed by the Registrar on 23 June 2008;

NOTING the confirmation hearing in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* which took place from the 27 June 2008 to 16 July 2008;

¹ ICC-01/04-01/07-276-Conf and its annexes (ICC-01/04-01/07-276-Conf-Anx1-13).

² ICC-01/04-01/07-T-31-ENG ET WT 03-06-2008.

³ ICC-01/04-01/07-T-36-ENG ET WT 19-06-2008.

⁴ ICC-01/04-01/07-T-31-ENG ET WT 03-06-2008, p. 6, line 21 to p. 7, line 6; ICC-01/04-01/07-T-36-ENG ET WT 19-06-2008, p. 9, lines 8-12.

⁵ ICC-01/04-01/07-T-31-ENG ET WT 03-06-2008, p. 7, lines 10-23; ICC-01/04-01/07-T-36-ENG ET WT 19-06-2008, p. 9, lines 14-18 and 23-25.

⁶ ICC-01/04-01/07-T-36-ENG ET WT 19-06-2008, p. 10, lines 1-6.

⁷ ICC-01/04-01/07-629-Conf and its confidential *ex parte* annex (ICC-01/04-01/07-629-Conf-Exp-Anx2).

NOTING the *“Requête de la Défense en vue de solliciter de la Chambre Préliminaire d’obtenir de la République Démocratique du Congo sa diligente coopération en vue de la délivrance immédiate aux membres de la famille (épouse et enfants) de Monsieur Mathieu Ngudjolo des passeports et ou de tout autre document de voyage officiel leur permettant de faire le déplacement de La Haye (Pays-Bas) pour rendre visite à leur mari et père”* (“the Defence Request”)⁸ filed by the Defence for Mathieu Ngudjolo Chui on the 10 September 2008;

NOTING article 57 of the *Rome Statute*, rule 13(1) of the *Rules of Procedure and Evidence*, regulations 24bis and 100 of the *Regulations of the Court* and regulation 179(1) of the *Regulations of the Registry*;

CONSIDERING that the Defence for Mathieu Ngudjolo Chui requests the Chamber to:

- (i) invite the Democratic Republic of the Congo (“the DRC”) to provide the family members of Mathieu Ngudjolo Chui with (a) their passports; and (b) all other documents necessary for the issuance of their visas by The Netherlands in order to facilitate their entry into The Netherlands and their visit to Mathieu Ngudjolo Chui;
- (ii) order the Registrar to transmit the above-indicated invitation to the President and the Minister of Foreign Affairs of the DRC, the person responsible for delivering passports; and
- (iii) declare that in case the specified documents are not issued, the Chamber will refer this case of non-cooperation by the DRC to the Assembly of States Parties;⁹

⁸ ICC-01/04-01/07-710.

⁹ ICC-01/04-01/07-710, p. 16.

CONSIDERING that the Chamber finds that a second report from the Registrar on (i) the status of measures taken by the Registrar to facilitate the issuance of passports for Mathieu Ngudjolo Chui's family members and (ii) any developments reported to the Registrar in respect of the issuance of passports and other necessary documentation by the DRC, is necessary;

CONSIDERING that taking into account the last Report of the Registry as well as the previous requests and complaints made by the Defence for Germain Katanga,¹⁰ the Chamber would benefit from receiving an updated report from the Registry also in relation to family visits and issuance of passports for family members of Germain Katanga;

FOR THESE REASONS

ORDERS the Registrar to file a report to the Chamber as detailed in the present decision by Friday 26 September 2008 at 16h00.

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



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka
Judge



Judge Sylvia Steiner
Judge

Dated this Friday 19 September 2008

At The Hague, The Netherlands

¹⁰ ICC-01/04-01/07-T-31-ENG ET WT 03-06-2008, p. 6, lines 13-19. ICC-01/04-01/07-T-36-ENG ET WT 19-06-2008, p. 8, line 18 to p. 9, line 6.