

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/12

Date: 3 June 2013

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Cuno Tarfusser
Judge Erkki Kourula
Judge Ekaterina Trendafilova

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. MATHIEU NGUDJOLO CHUI***

Public

Public redacted version of ICC-01/04-02/12-69-Conf-Exp

Registry's update on the situation in relation to Mathieu Ngudjolo Chui

Source: The Registry

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

The Office of the Prosecutor

Counsel for Mathieu Ngudjolo Chui

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

M Herman von Hebel

Counsel Support Section

Deputy Registrar

Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registry of the International Criminal Court (the “Court”);

NOTING the « Requête de la Défense tendant à obtenir de la Chambre d’appel une injonction donnée à l’Unité d’aide aux victimes et aux témoins d’exécuter, et à l’Etat hôte de respecter le jugement d’acquittement du 18 décembre 2012 rendu par la Chambre de première instance II de la Cour pénale internationale », submitted by the Defence for Mathieu Ngudjolo on 29 January 2013;¹

NOTING the “ADDENDUM à la « Requête de la Défense tendant à obtenir de la Chambre d’appel une injonction donnée à l’Unité d’aide aux victimes et aux témoins d’exécuter, et à l’Etat hôte de respecter le jugement d’acquittement du 18 décembre 2012 rendu par la Chambre de première instance II de la Cour pénale internationale » submitted by the Defence for Mathieu Ngudjolo on 30 January 2013;²

NOTING the “SECOND ADDENDUM to “Defence request that the Appeals Chamber order the Victims and Witnesses Unit to execute and the host State to comply with the acquittal judgment of 18 December 2012 issued by Trial Chamber II of the International Criminal Court”, submitted by the Defence for Mathieu Ngudjolo on 8 February 2013;³

NOTING the “Order on the filing of submission by the Registrar on the Defence request of 8 February 2013”, rendered by the Appeals Chamber on 15 February 2013;⁴

NOTING the “Observations du Greffe en application de la norme 24bis du Règlement de la Cour au sujet du «SECOND ADDENDUM à la « Requête de la

¹ ICC-01/04-02/12-20

² ICC-01/04-02/12-21

³ ICC-01/04-02/12-22-tENG

⁴ ICC-01/04-02/12-24

Défense tendant à obtenir de la Chambre d'appel une injonction donnée à l'Unité d'aide aux victimes et aux témoins d'exécuter, et à l'Etat hôte de respecter le jugement d'acquittement du 18 décembre 2012 rendu par la Chambre de première instance II de la Cour pénale internationale» submitted by the Registrar on 22 February 2013;⁵

NOTING articles 43(6) and 68 of the Rome Statute and Regulation 24*bis* of the Regulations of the Court;

NOTING that the information contained in the Registry's update, the Registry has classified this document as confidential *ex parte* Registry only.

Respectfully, **TRANSMITS**, a brief update on the current situation of Mathieu Ngudjolo Chui to the Appeals Chamber.

A. General information:

1. By Judgment on 3 May 2013, the Rechtbank Den Haag (as a Court of Appeal sitting in Amsterdam) ordered the release of M. Ngudjolo Chui from the alien retention Centre at Schiphol Airport based on the grounds that "alien retention, whilst an asylum procedure is on-going, cannot be continuous as no exceptions to the applicable law and procedures have been demonstrated".

2. [Redacted]

3. Shortly after his release from the retention centre, M. Ngudjolo was provided with a document indicating that he can legally and lawfully reside on the territory of

⁵ ICC-01/04-02/12-25

the Netherlands. M. Ngudjolo is able to move freely in The Netherlands and is as such available to attend all hearings the Appeals Chamber may organize, if any, and cooperate with his Defence team in the preparation of his Appeal. The Registry was equally informed by the competent authorities of the Host State (IND – Immigratie- en NaturalisatieDienst) that a specific document (“W-document”) for M. Ngudjolo was being processed and would be made available to him soon.

B. Protection related information:

4. [Redacted]

5. As soon as an appropriate place of relocation has been identified, all necessary measures will be taken in order to ensure M. Ngudjolo’s departure at the earliest convenience. As mentioned in the Registry’s transmission of information on 22 February 2013⁶ and reiterated hereafter, the lifting of the travel ban in relation to M. Ngudjolo can only be secured once his final destination is known.

6. [Redacted]

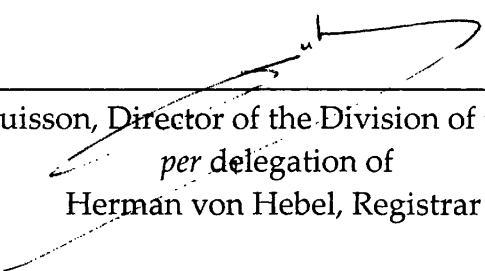
7. Should M. Ngudjolo be relocated in the near future, the Registry will facilitate his appearance, either in person or by way of video-link, at any hearings or status conferences the Appeals Chamber may want to organize.

8. Since his release from the retention centre, M. Ngudjolo is currently under the responsibility of the Registry of the International Criminal Court and is being monitored by the latter on a regular basis. Furthermore, the Registry would like to indicate that constant contact with the Defence team for M. Ngudjolo is maintained

⁶ ICC-01/04-02/12-25, page 7.

to address all issues he might have and to ensure that M. Ngudjolo remains available to present himself.

9. Also, the Registry would like to inform the Appeals Chamber that a meeting with the Defence team for Mathieu Ngudjolo is scheduled for 22 May 2013 to further discuss all relevant aspects of M. Ngudjolo's situation. The Registry will keep the Appeals Chamber informed on any development.



Marc Dubuisson, Director of the Division of Court Services
per delegation of
Herman von Hebel, Registrar

Dated this 3 June 2013

At The Hague in The Netherlands