

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: French

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

Date: 24 April 2015

**TRIAL CHAMBER II**

**Before:** Judge Marc Perrin de Brichambaut, Presiding Judge  
Judge Olga Herrera Carbuccion  
Judge Péter Kovács

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

**Public Document**

**Decision on the “*Requête de la Défense sollicitant des instructions de la Chambre en vue de la soumission de sa requête en indemnisation sur pied de l’article 85*”**

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

**Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

Mr Éric MacDonald

**Counsel for Mathieu Ngudjolo**

Mr Jean-Pierre Kilenda Kakengi Basila

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**States' Representatives**

**Office of Public Counsel for the  
Defence**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**TRIAL CHAMBER II** (“the Chamber”) of the International Criminal Court (“the Court”), in the case of *The Prosecutor v. Mathieu Ngudjolo Chui*, acting pursuant to article 85 of the Rome Statute (“the Statute”) and rule 173 of the Rules of Procedure and Evidence, decides as follows.

1. On 17 March 2015, with notice from Counsel for Mr Ngudjolo on 4 March 2015 that he was proceeding to apply for compensation on the grounds of article 85 of the Statute and Part 10 of the Rules by 14 August 2015,<sup>1</sup> the Presidency assigned the instant case to the Chamber in accordance with rule 173(1) of the Rules.<sup>2</sup>
2. On 2 April 2015, the Chamber dismissed a motion for a hearing from Counsel for Mr Ngudjolo.<sup>3</sup>
3. On 9 April 2015, Counsel for Mr Ngudjolo filed a request (“the Request”) for instructions from Chamber for the purposes of submitting his application for compensation.<sup>4</sup> In particular he wishes to know whether the supporting documents in the record of the case need be appended to a request for compensation<sup>5</sup> and seeks clarification from the Chamber on the calculation of the time limits for the filing of such a request.<sup>6</sup> In that regard, Counsel for Mr Ngudjolo points out that rule 173(2) of the Rules refers to a six-month time

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<sup>1</sup> “*Note d’information à la Présidence*”, 4 March 2015, ICC-01/04-02/12-273.

<sup>2</sup> “Decision referring the case of *The Prosecutor v. Mathieu Ngudjolo Chui* to Trial Chamber II”, 17 March 2015 (notified on 18 March 2015), ICC-01/04-02/12-277-Conf-Exp, *ex parte* Defence.

<sup>3</sup> “Decision on the ‘*Requête de la Défense sollicitant la tenue d’une audience et d’un ordre assurant la présence physique de Mathieu Ngudjolo en application notamment de la règle 174 (2) du Règlement de procédure et de preuve*’”, 2 April 2015, ICC-01/04-02/12-283-tENG.

<sup>4</sup> “*Requête de la Défense sollicitant des instructions de la Chambre en vue de la soumission de sa requête en indemnisation sur pied de l’article 85*”, 9 April 2015, ICC-01/04-02/12-284 (“the Request”).

<sup>5</sup> Request, para. 14.

<sup>6</sup> Request, para. 7.

