

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 18 March 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Single judge

Registrar: Mr Bruno Cathala

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

Public Document

Decision concerning the Notification of a decision to Mathieu Ngudjolo Chui

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Éric Macdonald, Trial Lawyer
Mrs Florence Darques-Lane, Legal
Adviser

Counsel for the Defence

Mr Jean-Pierre Kilenda Kakengi
Basila

I, Judge Akua Kuenyehia, judge at the International Criminal Court (“the Court”);

NOTING the warrant of arrest for Mathieu Ngudjolo Chui¹ issued by Pre-Trial Chamber I (“the Chamber”) on 6 July 2007;

NOTING the “Decision on the evidence and information provided by the Prosecution for the issuance of a warrant of arrest for Mathieu Ngudjolo Chui”² (“the Decision on Evidence and Information”) issued by the Chamber on 6 July 2007;

NOTING the “*Demande de mise en liberté provisoire*”³ (“the Application for Interim Release”) filed by the Defence for Mathieu Ngudjolo Chui on 13 February 2008;

NOTING article 67 of the *Rome Statute* (“the Statute”), rule 13 of the *Rules of Procedure and Evidence* (“the Rules”) and regulations 31 and 35 of the *Regulations of the Court* (“the Regulations”);

CONSIDERING that, in the Application for Interim Release, the Defence for Mathieu Ngudjolo submits that Mathieu Ngudjolo Chui was not served with the documents which give the reasons justifying the issuance of the warrant arrest for Mathieu Ngudjolo Chui;

CONSIDERING that the Decision on Evidence and Information, issued by Chamber on 6 July 2007- in which the Chamber specified in great detail the reasons justifying the issuance of the warrant arrest for Mathieu Ngudjolo Chui - in spite of having an “under seal” level of confidentiality was never classified as “*ex parte*”; and that, accordingly, the decision should have been notified by the Registry to Mathieu Ngudjolo Chui upon his transfer to the Court’s detention Center;

¹ ICC-01/04-02/07-1.

² ICC-01/04-02/07-3.

³ ICC-01/04-02/07-21.

FOR THESE REASONS,

ORDER the Registrar to file by Wednesday 19 March 2008 at 16h00 in the record of the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*: (i) information on how and when the Defence for Mathieu Ngudjolo Chui was notified of the Decision on Evidence and Information; and (ii) any record in his possession relating to such notification.

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



Judge Akua Kuenyehia
Single judge

Dated this Tuesday 18 March 2008

At The Hague,
The Netherlands