

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07
Date: 21 October 2008

PRE-TRIAL CHAMBER I

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF 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
15 October 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 status conferences held on the 3 June 2008¹ and 19 June 2008,² and the respective submissions of the Defence for Mathieu Ngudjolo Chui³, the Defence for Germain Katanga⁴ 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 the issuance of passports or any alternative documents to the family members of Mathieu Ngudjolo Chui and Germain Katanga;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-T-31-ENG ET WT 03-06-2008.

² ICC-01/04-01/07-T-36-ENG ET WT 19-06-2008.

³ ICC-01/04-01/07-T-31-ENG ET WT 03-06-2008 at p. 6, line 21 to p. 7, line 6; ICC-01/04-01/07-T-36-ENG ET WT 19-06-2008 at p. 9, lines 8-12.

⁴ ICC-01/04-01/07-T-31-ENG ET WT 03-06-2008 at p. 6, lines 13-19; ICC-01/04-01/07-T-36-ENG ET WT 19-06-2008 at p. 9, line 6.

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

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

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

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*"⁸ filed by the Defence for Mathieu Ngudjolo Chui on 10 September 2008;

NOTING the "Order to the Registrar to Submit a Report Concerning the Defence Request of 10 September 2008"⁹ issued by the Chamber on 19 September 2008;

NOTING the "*Deuxième rapport du Greffe sur l'état d'avancement des demandes de passeports pour les familles des personnes détenues pour les besoins des visites familiales*"¹⁰ filed by the Registrar on 25 September 2008;

NOTING the "Decision on the confirmation of charges"¹¹ issued by the Chamber on 26 September 2008;

NOTING the "Defence Motion relative to the Family Visit"¹² filed by the Defence for Germain Katanga on 15 October 2008;

⁸ ICC-01/04-01/07-710.

⁹ ICC-01/04-01/07-712.

¹⁰ ICC-01/04-01/07-715 and its confidential *ex parte* annex.

¹¹ ICC-01/04-01/07-716-Conf.

¹² ICC-01/04-01/07-724.

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 Germain Katanga requests the Chamber to:

- (i) order the Registrar to provide a further update on the situation;
- (ii) request the co-operation of The Netherlands authorities in expediting the process of obtaining the necessary visas;
- (iii) order the Registrar to keep Germain Katanga fully informed, on a weekly basis, of the progress of the situation;¹³

CONSIDERING that the Chamber finds that a third report from the Registrar on (i) the status of measures taken by the Registrar to facilitate the issuance of visas for Germain Katanga's family members; and (ii) any developments reported to the Registrar in respect of the issuance of visas and other necessary documentation by The Netherlands is necessary;

CONSIDERING that, taking into account the last Report of the Registry¹⁴ as well as the previous request made by the Defence for Mathieu Ngudjolo Chui,¹⁵ a third report from the Registry also in relation to family visits and issuance of visas for family members of Mathieu Ngudjolo Chui is necessary;

¹³ ICC-01/04-01/07-724 at p. 3.

¹⁴ ICC-01/04-01/07-715 and its confidential *ex parte* annex.

¹⁵ ICC-01/04-01/07-710.

FOR THESE REASONS


ORDERS the Registrar to file in the record of the case by Monday 3 November 2008 at 16h00 a report on:

- (i) the status of measures taken by the Registrar to facilitate the issuance of visas for Germain Katanga and Mathieu Ngudjolo Chui's family members; and
- (ii) any developments reported to the Registrar in respect of the issuance of visas and other necessary documentation.

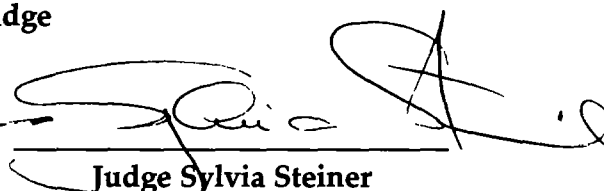
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka



Judge Sylvia Steiner

Dated this Tuesday 21 October 2008

At The Hague, The Netherlands