

**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

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 2015,¹ the Presidency assigned the instant case to the Chamber in accordance with rule 173(1) of the Rules.²
2. On 2 April 2015, the Chamber dismissed a motion for a hearing from Counsel for Mr Ngudjolo.³
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.⁴ In particular he wishes to know whether the supporting documents in the record of the case need be appended to a request for compensation⁵ and seeks clarification from the Chamber on the calculation of the time limits for the filing of such a request.⁶ In that regard, Counsel for Mr Ngudjolo points out that rule 173(2) of the Rules refers to a six-month time

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

² “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.

³ “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.

⁴ “*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”).

⁵ Request, para. 14.

⁶ Request, para. 7.

frame, whereas under regulation 33 of the Regulations of the Court, time limits are calculated on the basis of “calendar days”.⁷

4. The Chamber notes that it has access to the entire record of the case. Accordingly, a request pursuant to article 85 of the Statute need only include precise references to those documents regarded as relevant.
5. As to calculation of the six-month time limit, the Chamber is of the view that Counsel for Mr Ngudjolo must proceed according to whichever he considers to be the most appropriate interpretation of the law.

FOR THESE REASONS, TRIAL CHAMBER II

INFORMS Counsel for Mr Ngudjolo that the Chamber has access to the entire record of the case; and

DENIES the Request in every other respect.

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

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

Judge Olga Herrera Carbuccia

[signed]

Judge Péter Kovács

Dated this 24 April 2015
 At The Hague, The Netherlands

⁷ Request, paras. 5-7.