

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-02/07
Date: 14 February 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

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

Public

**DECISION INVITING OBSERVATIONS ON THE DEFENCE'S APPLICATION
FOR INTERIM RELEASE**

The Office of the Prosecutor

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

Duty Counsel for the Defence

Mr Jean-Pierre Kilenda Kakengi Basila

I, Judge Sylvia Steiner, 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 an arrest warrant against Mathieu Ngudjolo Chui”² issued on 6 July 2007 whereby the Chamber set out the analysis of the evidence and information provided by the Prosecution in connection with its application for a warrant of arrest against Mathieu Ngudjolo Chui;

NOTING the arrest, surrender and transfer of Mathieu Ngudjolo Chui to the seat of the Court on 7 February 2008;

NOTING the first appearance of Mathieu Ngudjolo Chui before the Chamber held on 11 February 2008;

NOTING the “Demande de mise de liberté provisoire”³ (“the Application for Interim Release”) filed on 13 February 2008, in which the Duty Counsel for the Defence requested the interim release of Mathieu Ngudjolo Chui;

¹ ICC 01/04-02/07-1.

² ICC-01/04-02/07-3.

³ ICC 01/04-02/07-21.

NOTING articles 60(3) of the Rome Statute ("the Statute"), rules 118 and 119 of the Rules of the Court ("the Rules") and regulations 34 and 51 of the Regulations of the Court ("the Regulations");

CONSIDERING that upon request for interim release by the person surrendered to the Court, the Chamber must, pursuant to rule 118 of the Rules and regulation 51 of the Regulations, seek the views of the Prosecution, the host State and the State to which the person seeks to be released;

CONSIDERING that Mathieu Ngudjolo Chui has requested to be released to Belgium, France or the United Kingdom;

FOR THESE REASONS

ORDERS the Registrar to notify the relevant authorities of Belgium, France, the United Kingdom and the Netherlands of the following documents:

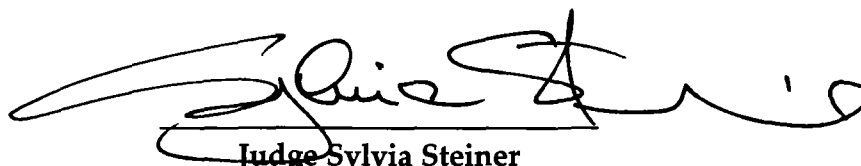
- 1) Application for Interim Release;
- 2) Warrant of Arrest for Mathieu Ngudjolo Chui; and
- 3) Decision on the evidence and information provided by the Prosecution for the issuance of an arrest warrant against Mathieu Ngudjolo Chui;

INVITES the Prosecution to make its observations on the Application for Interim Release by no later than Friday 22 February 2008;

INVITES the relevant authorities of Belgium, France, the United Kingdom and the Netherlands to make their observations by no later than Friday 29 February 2008 on:

- 1) Application for Interim Release; and
- 2) Conditions, if any, that would have to be met in order for the State to accept Mathieu Ngudjolo Chui's release on to its territory.

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



Judge Sylvia Steiner
Single Judge

Dated this Thursday 14 February 2008

At The Hague

The Netherlands