

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-RoR-217-02/08**

Date **5 December 2008**

THE PRESIDENCY

Before: Judge Philippe Kirsch, President
Judge Akua Kuenyehia, First Vice-President
Judge René Blattmann, Second Vice-President

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR v. GERMAIN KATANGA and MATHIEU NGUDJOLO CHUI

Confidential

**Order concerning the Application for judicial review
of Mr Mathieu Ngudjolo Chui of 21 November 2008**

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

Counsel for the Defence

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Jean-Pierre Fofé Djofia Malewa

REGISTRY

Registrar

Ms Silvana Arbia

Detention Section

Mr Anders Backman, Chief Custody Officer

Deputy Registrar

Mr Didier Preira

The Presidency of the International Criminal Court,

In the application for judicial review of Mr Mathieu Ngudjolo Chui (“detainee”) of Friday 21 November 2008, entitled “Plainte de Monsieur Mathieu Ngudjolo en application de la norme 221(1) du Règlement du Greffe contre la décision de la Greffière prise en date du 18 novembre 2008”;¹

Noting the decision of the Registrar of 18 November 2008 entitled “Décision du Greffier en application de la norme 220 suite au recours de Mathieu Ngudjolo contre la décision du Chef du quartier pénitentiaire en date du 7 novembre 2008” (“Impugned Decision”), in which she explained that the decision of the Chief Custody Officer to fund either three visits from two family members of the detainee or two visits from three family members of the detainee per calendar year was taken upon her instructions and was justified by financial constraints and the prudent management of funds;²

Noting regulation 221(3) of the Regulations of the Registry, which provides, *inter alia*, that regulation 219 shall apply *mutatis mutandis* to complaints proceedings before the Presidency and noting regulation 219(1) of the Regulations of the Registry which provides, in relevant part, that the complaint shall be disposed of within 14 calendar days from the date of receipt;

Noting regulation 33(1)(c) of the Regulations of the Court and noting that the 14 calendar days from the date of receipt of the complaint will elapse on Sunday 7 December 2008;

Noting the request of the detainee that the planned visit from his spouse and newborn child is in no way affected by the complaints proceedings;³

Hereby

Orders the Registrar to explain the basis for the decision regarding the frequency of family visits to the detainee and the number of family members per visit as well as the financial constraints to which she refers in the Impugned Decision by 4pm on Friday 12 December 2008.

Informs that, due to its subject matter, the complaint will take longer than 14 calendar days to resolve.

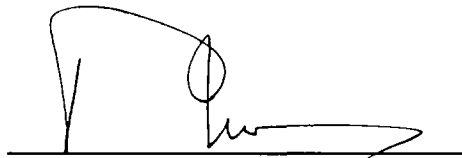
Confirms that the forthcoming visit from the detainee’s spouse and newborn child shall in no way be affected by the instant complaints proceedings.

¹ ICC-RoR-217-02/08-3-Conf-Exp.

² ICC-RoR-217-02/08-2-Conf-Exp, paragraphs 16 and 21-26.

³ ICC-RoR-217-02/08-3-Conf-Exp, paragraph 22.

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

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a series of loops and a long horizontal stroke.

Judge Philippe Kirsch
President

Dated this 5 December 2008

At The Hague, The Netherlands