

Cour
Pénale
Internationale



International
Criminal
Court

Original: English

No.: ICC-01/04-02/12
Date: 20 December 2013

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Cuno Tarfusser
Judge Erkki Kourula
Judge Ekaterina Trendafilova

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

PUBLIC
With one public annex

Registry's transmission of the "Post Incident Review of Allegations of Sexual Assault of Four Victims Under the Protection of the International Criminal Court in the Democratic Republic of Congo by a Staff Member of the Court"

Source: The Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Fabricio Guariglia

Counsel for the Defence

Mr Jean-Pierre Kilenda Kakengi Basila
Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR of the International Criminal Court (the “Court”),

NOTING the reports submitted by the Victims and Witnesses Unit (the “VWU”) to the Appeals Chamber on the situation of the witnesses under the protection of the VWU in the present case who have raised allegations of sexual assault by a former staff member of the Court;¹

NOTING articles 43(6), 44 and 68 of the Rome Statute, rules 16 to 19 of the Rules of Procedure and Evidence, regulation 41 of the Regulations of the Court and regulations 79 to 96 of the Regulations of the Registry;

CONSIDERING that in one Registry’s report the VWU informed the Appeals Chamber on the actions to be implemented by the Registry in relation to the situation of the above-mentioned witnesses and that *“the Registrar is considering to engage an external panel composed of high level personalities in order to proceed with a holistic assessment of the incident and of the measures taken by the Court in response”*;²

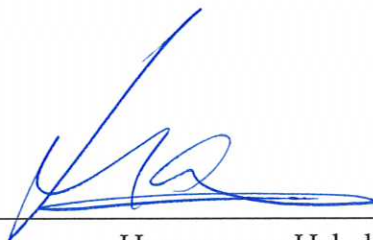
CONSIDERING that in June 2013 an independent review team was assembled to examine the facts surrounding the alleged sexual assault and that the team has carried out investigative missions in the Democratic Republic of the Congo in July and August 2013, and in the Hague in September, October and November 2013;

CONSIDERING that on 12 December 2013 the review team has delivered its report on the investigation it has conducted between July and November 2013 to the Registrar;

¹ ICC-01/04-02/12-56-Conf-Exp and ICC-01/04-02/12-78-Conf-Exp.

² ICC-01/04-02/12-78-Conf-Exp, para. II. 6.

TRANSMITS, respectfully, to the Appeals Chamber in Annex the *"Post Incident Review of Allegations of Sexual Assault of Four Victims Under the Protection of the International Criminal Court in the Democratic Republic of Congo by a Staff Member of the Court"*.



Herman von Hebel,
Registrar

Dated this 20 December 2013

At The Hague in The Netherlands