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**International
Criminal
Court**

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Date: 20 July 2015

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO MUSAMBA,
JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA WANDU AND
NARCISSE ARIDO**

Confidential

Confidential Annexes A and B, *ex parte* Registry and Mangenda Defence only

**Motion for Request for Co-operation of the United Kingdom Pursuant to Article 93 of
the Statute**

Source: Defence for Jean-Jacques Kabongo Mangenda

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 James Stewart
Mr Kweku Vanderpuye

Counsel for Jean-Jacques Kabongo Mangenda

Mr Christopher Gosnell

Counsel for Jean-Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Charles Achaleke Taku
Mr Philippe Larochelle

Legal Representatives of the Victims

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

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Jean-Jacques Mangenda¹ respectfully requests the Trial Chamber to request the United Kingdom ("UK") to refrain from imposing negative legal consequences on Mr. Mangenda's travel to The Netherlands to participate in ICC proceedings. This request is necessary in light of the UK's declaration that such travel will be deemed to constitute an abandonment of Mr. Mangenda's pending judicial review application for a family reunion visa in the UK.² The consequence would be the forfeiture of legal rights that are relevant to his ability to remain with his wife and three young children. Imposing such a consequence on the fulfilment of obligations, and the exercise of rights, under the Rome Statute interferes with the processes of the ICC and constitutes a violation of the express or necessarily implied obligations of co-operation pursuant to the Rome Statute.

II. PROCEDURAL HISTORY

2. On 8 April 2015, Mr. Mangenda's Defence requested the Registry's assistance to ensure that he would be able, without negative legal consequences, to travel to The Netherlands to attend a status conference on 24 April 2015.³ The Registry was unable to provide such assurances. In particular, the Registry was unable at that time to guarantee that Mr. Mangenda's travel might not be interpreted by the UK authorities as a violation of the terms of his temporary entry,⁴ nor was it able to guarantee that his pending appeal for permanent residence status would not be deemed withdrawn. On the contrary, the Registry reported that the UK's position was that "*votre sortie du territoire aurait pour conséquence d'annuler automatiquement votre appel contre la*

¹ The present submission is filed confidentially pursuant to Regulation 23bis (2) of the Regulations of the Court to correspond with events and communications of the same nature.

² *Prosecutor v. Bemba et al.*, Confidential Annex II to Observations from the 5 host States on Interim Release, ICC-01/05-01/13-1088-Conf-AnxII, 14 July 2015 ("UK Submissions of 14 July 2015"), p. 4 ("On leaving the UK [Mr. Mangenda's] current family reunification appeal will lapse on account of him leaving the common travel area as per section 104 of the Nationality, Immigrations and Asylum 2002 Act.")

³ Email to CSS, "Untitled", 8 April 2015, 14:56 ("Mr. Mangenda wishes to attend the [status conference] and we therefore request that the Registry obtain the necessary authorizations for travel to, and stay in, The Netherlands.")

⁴ Email from Registry to Mr. Mangenda, "Re: Votre voyage et séjour à La Haye", 22 April 2015, 15:16 ("J'attends toujours une clarification des autorités britanniques mais il n'apparaît pas clairement que tout déplacement en dehors du territoire soit une violation des conditions qui vous ont été imposées dans la mesure ou malgré votre déplacement à La Haye, vous résidez toujours à l'adresse indiquée. Néanmoins, cette interprétation n'appartient pas à la Cour.")

décision de refus de délivrance d'un visa pour regroupement familial."⁵ Mr. Mangenda, whose attendance at the status conference was not required by the Trial Chamber,⁶ elected not to travel to The Netherlands in light of this consequence.

3. Mr. Mangenda's Defence advised the Trial Chamber of Mr. Mangenda's wish to have been present at the Status Conference on 24 April 2015 and indicated that it would seek the Trial Chamber's further assistance to facilitate future travel as and when necessary.⁷

4. On 26 May 2015, the Mangenda Defence wrote to the Registry requesting

that you exercise your good offices to ensure that the United Kingdom provides a formal assurance, well in advance of any potential travel to The Hague, that no prejudicial or negative consequences will be imposed on Mr. Mangenda as a result of his travel to The Netherlands to participate in trial proceedings. I would kindly also request that you keep us advised of any difficulties that you may be confronting in this regard so that we may seize the Trial Chamber with any necessary requests.⁸

5. The Registry responded on 27 May 2015 that it "will liaise with the relevant UK authorities in relation to the two main points addressed in [the] letter and will keep [the Mangenda Defence] updated of any developments and/or difficulties."⁹
6. On 10 July 2015, having received no communication on the issue since 27 May 2015, the Defence wrote to the Registry again, reminding it of the pending request and providing recently-received correspondence from the UK immigration authorities that

⁵ Email from Registry to Mr. Mangenda, "Re: Votre voyage et séjour à La Haye", 22 April 2015, 17:01.

⁶ Email from Trial Chamber VII Communications to All Parties, "Attendance of accused at status conference", 25 March 2015, 15:23 ("In response to an inquiry from the Registry as to whether the accused's attendance at the upcoming status conference is required, the Chamber informs the parties and Registry that the attendance of the accused at the status conference is not necessary.")

⁷ *Prosecutor v. Bemba et al.*, Transcript of the First Status Conference, ICC-01/05-01/13-T-8-CONF-ENG, 24 April 2015, p. 53, l. 4 – 11 ("Thank you, Mr President. Mr Mangenda wishes to exercise his right to be present at all stages of proceedings and in fact wished to be present here today, but was unable to be here because of certain potential problems in respect of his status, immigration status, in the United Kingdom. We will continue to work with the Registry that -- who has -- which has been extremely helpful in trying to sort out these issues and we thank them very much for those efforts. If the moment arrives when there may be need to come to the Chamber for further assistance, then we will do that.")

⁸ Letter to Registry, "Ensuring Cooperation of States to Ensure that Mr. Mangenda Can Be Present During Trial Proceedings", 26 May 2015, 16:25.

⁹ Email from the Registry, "Re: Letter to Mr Dubuisson from the Defence for Mr. Jean-Jacques Kabongo Mangenda", 27 May 2015, 13:37.

the Defence believed might be relevant to the Registry's communications with the UK.¹⁰

7. The Registry responded on 14 July 2015 by email, explaining that it had refrained from such consultations on the understanding that the Trial Chamber had seized itself of the issue as of 25 June 2015:

As the Chamber requested the States to provide information on the interim release pursuant to its decision dated 25 June (ICC-01/05-01/13-1029), we decided that since the matter was being addressed directly at the judicial level, it became the responsibility of the Chamber to decide on the obligations of the UK in terms of cooperation on this specific issue.¹¹

8. The Registry subsequently clarified that two contacts of relevance had taken place between the Registry and the UK during the preceding weeks: (i) a telephone request apparently seeking extension or renewal of Mr. Mangenda's current visa beyond 19 June; and (ii) a general discussion with the UK authorities about the importance of Mr. Mangenda's appearance before the ICC.¹²

III. APPLICABLE LAW

9. Article 93(1)(l) imposes on States an obligation to provide "[a]ny other type of assistance which is not prohibited by the law of the requested State, with a view to facilitating the investigation and prosecution of crimes within the jurisdiction of the Court." Article 93(1)(e), though directed at witnesses and experts, imposes an obligation on States to "facilitat[e] the[ir] voluntary appearance."

¹⁰ Letter to the Field Cooperation Officer, "Urgent Steps Required to Facilitate Mr. Mangenda's Travel to The Netherlands", 10 July 2015, 14:08.

¹¹ Email of the Field Cooperation Officer, "Re: Letter from the Mangenda Defence", 14 July 2015, 17:45. The Trial Chamber's 24 June 2015 order, incidentally, confines itself to the issue of interim release: "ORDERS the Registry to invite the Kingdom of The Netherlands; the Kingdom of Belgium; the United Kingdom of Great Britain and Northern Ireland; the Democratic Republic of the Congo and the Republic of France to submit any observations on the interim release of the accused by 14 July 2015." *Prosecutor v. Bemba et al.*, Order Requesting Observations from Relevant States on Interim Release, ICC-01/05-01/13-1029, 24 June 2015, p. 4.

¹² Email of the Field Cooperation Officer, "Re: Letter from the Mangenda Defence", 15 July 2015, 18:34 ("We have been in touch subsequently by phone to request the renewal of the visa that was to expire on 19 June 2015. Besides, the Registrar raised the importance of the appearance of Mr. Mangenda to the Netherlands with relevant high level authorities during a visit in London in June 2015.")

10. Article 63(1) provides that the “accused shall be present during the trial.” The accused also has the right, pursuant to Article 67(1)(d) “to be present at the trial” and to “have adequate time and facilities for the preparation of the defence and to communicate freely with counsel.” He is also entitled, pursuant to Article 66, to “be presumed innocent until proved guilty before the Court in accordance with applicable law.” The United Nations Human Rights Committee has declared that this imposes a “duty for all public authorities to refrain from prejudging the outcome of a trial, e.g., by abstaining from making public statements affirming the guilt of the accused.”¹³

IV. SUBMISSIONS

(i) *Mr Mangenda's Travel to The Netherlands Is Required Under the Statute*

11. Mr. Mangenda has an obligation and a right, as reflected in Articles 63(1) and 67(1)(d) of the Rome Statute respectively, to be present at trial. These obligations and rights are essential to the fairness and integrity of judicial proceedings before the International Criminal Court. Imposing legal impediments or forfeitures of rights on the discharge of such obligations and exercise of such rights is, in itself, an interference with the administration of justice.

(ii) *Mr. Mangenda's Rights Under UK Law Do Not Arise From the UK's Co-operation Obligations With the ICC; Even If They Did, This Would Not Justify Revoking or Restricting His Legal Rights*

12. The UK government, in its recent submissions to the Trial Chamber concerning interim release, acknowledges that any travel by Mr. Mangenda outside of the UK, including for the purposes of attending trial proceedings at the ICC, will result in the deemed abandonment of his pending judicial review of a decision denying him long-term family reunion residence in the UK.¹⁴ The UK government appears to argue that this is permissible for two reasons, the first of which is that Mr Mangenda's presence in the UK is itself merely a concession to co-operation with the ICC. The UK seems to believe that, accordingly, any legal rights associated with Mr. Mangenda's presence in

¹³ Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, CCPR/C/GC/32, 23 August 2007, para. 30.

¹⁴ UK Submissions of 14 July 2015, p. 4.

the UK can be restricted without constituting an interference with the processes of the ICC.

13. The factual premise of the UK government's argument is that Mr. Mangenda is present in the UK only because of its obligations to the ICC:

To be clear, due to the suspected conduct of Mr. Mangenda in the case of Bemba, his presence in the UK is not considered to be conducive to the public good. *But for the proceedings at the International Criminal Court the UK would have acted to prevent Mr. Mangenda from entering the UK* – as reflected in the action to cancel his previous visit visa, and refusal of his application on family reunion which Mr. Mangenda has appealed. However in line with the UK's willingness to support the function of the International Criminal Court, Mr. Mangenda was exceptionally granted 6 months limited leave valid until 19 June 2015. The terms of that exceptional visa have been extended until January 2016 *only in order to again assist the International Criminal Court by facilitating the ability for Mr. Mangenda to depart and return to the UK for the periods he will be required to attend trial proceedings.*¹⁵

14. Mr. Mangenda's presence in the UK, contrary to the impression created by this passage, is *not* the UK's obligations to the ICC. On the contrary, the immigration officer's decision of 18 December 2014 granting Mr. Mangenda temporary entry to the UK states:

I have also considered your application outside the Immigration Rules and am aware that *separation from your family for an indeterminate period is, on a balance of probabilities, unjustified*. I am therefore prepared to grant leave, exceptionally for a limited period of 6 months.¹⁶

Mr. Mangenda's entry to the UK therefore does *not* arise – at least according to the UK immigration authority's own decision – from any obligation to co-operate with the ICC. Further, Mr Mangenda could not be removed from the UK for as long as his request for judicial review of the initial entry decision was pending. The suggestion that Mr. Mangenda's continued presence in the UK is also merely a concession to co-operation with the ICC is, accordingly, also incorrect.

¹⁵ *Id.* (italics added).

¹⁶ *Prosecutor v. Bemba et al.*, Annex 2 to Registry's Fifth Report on the Implementation of the "Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido" (ICC-01/05-01/13-703), ICC-01/05-01/13-808-Conf-Anx2, 2 February 2015 ("Annex 2 to Registry's Fifth Report"), p. 4.

15. Even if such co-operation obligations had any role, albeit unstated, in motivating the immigration officer's decision of 18 December 2014, this would not in any way alter the scope of Mr. Mangenda's legal privileges and rights arising under UK immigration law. Immigration decisions in the UK are based on discretion limited by a legal framework. Several tiers of administrative and judicial review ensure that the discretion is exercised in compliance with that legal framework. That body of law as a whole is subject to the UK and European human rights law. Even assuming that the immigration officer was motivated in any way by the UK's co-operation obligations to the ICC, the legal privileges and rights flowing from that decision are subject to restriction or revocation on that basis. The UK government's argument that it is merely taking away from Mr. Mangenda rights and privileges to which he would not be entitled "*but for*" the UK's co-operation obligations to the ICC is therefore legally fallacious, as well as factually erroneous.

(iii) *Deeming Mr. Mangenda's Appeal to Be Revoked by Virtue of His Travel to the ICC Would Constitute a Substantial Legal and Factual Prejudice for Him and His Family*

16. The UK government suggests that the deemed abandonment of the pending judicial review is not prejudicial since "this does not prevent [Mr. Mangenda] from lodging subsequent applications."¹⁷
17. The broader procedural context demonstrates the tangible prejudice. Mr. Mangenda possessed, on the date he was released by the Single Judge, a five-year multiple-entry permit to the UK, where his wife and three young children lawfully reside.¹⁸ The next day, and without any advance warning despite having been consulted repeatedly by the Single Judge about the possibility of release during the eleven months of Mr. Mangenda's incarceration, the UK government revoked that visa. The UK Immigration Officer's ostensible basis for doing so was that information had "**now come to light**" that Mr. Mangenda had been arrested eleven months before:

¹⁷ UK Submissions of 14 July 2015, p. 4 ("On leaving the UK his current family reunification appeal will lapse.")

¹⁸ *Prosecutor v. Bemba et al.*, Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido, ICC-01/05-01/13-703, 21 October 2014, p. 6; *Prosecutor v. Bemba et al.*, Confidential Annex III to Urgent Submission of the Authorities of the United Kingdom of Great Britain and Northern Ireland, ICC-01/05-01/13-719-Conf-AnxIII, 22 October 2014 ("Annex III to UK Submissions of 22 October 2014"), p. 1.

On the 25 August 2010 [sic] you were issued with a multi entry visa valid until 25 August 2015. Information **has now come to light** which indicates that there has been a significant change in circumstances since your visa was issued. Your original visa was issued to facilitate a family visit. You stated that you would be staying in the UK for 7 days. **I am now aware that an arrest warrant was issued under seal on 20 November 2013.** You were arrested on 23 November 2013 and indicted by the International Criminal Court (ICC) charged with crimes under Article 70 of the Rome Statute relating to the tampering of witnesses and evidence in the ongoing ICC case of Jean Pierre Bemba. I consider that this is a significant change of circumstances since your entry clearance was issued. Accordingly, I have decided under paragraph 30A (ii) of the Immigration Rules, to revoke your multiple entry visit visa, issued on the 25 August 2010 [sic], on the grounds of a change of circumstances since the entry clearance was issued has removed the basis of your claim to be admitted to the United Kingdom.¹⁹

18. The Registry characterised this decision as “sudden.”²⁰ Efforts were then undertaken by the Registry to see whether any other State might receive Mr. Mangenda, while acknowledging that “[t]he situation is all the more sensitive [in] that the family of Mr Mangenda is residing in United Kingdom which makes it difficult for the Registry to approach other States with a request for interim release.”²¹ In addition, the reasons that Mr. Mangenda is unable to return to any other State is set out in the Registry’s Second Report on the implementation of interim release.²²
19. Mr. Mangenda also submitted an application for a new multiple-entry family reunion visa for entry to the UK on 25 October 2014.²³ This application was denied on 18 December 2014, but the same decision nevertheless granted leave to enter “outside the Immigration Rules” for a period of 6 months on the basis “that separation from your family for an indeterminate period is, on a balance of probabilities, unjustified.”²⁴ Mr. Mangenda entered the United Kingdom on 22 December 2014.²⁵

¹⁹ Annex III to UK Submissions of 22 October 2014, p. 1.

²⁰ *Prosecutor v. Bemba et al.*, Confidential Annex 15 to Registry’s Report on the Implementation of the “Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” (ICC-01/05-01/13-703), ICC-01/05-01/13-722-Conf-Anx15, 24 October 2014, p. 2.

²¹ *Id.*

²² *Prosecutor v. Bemba et al.*, Registry’s Second Report on the Implementation of the “Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” (ICC-01/05-01/13-703), ICC-01/05-01/13-726-Conf, 29 October 2014, para. 7.

²³ *Prosecutor v. Bemba et al.*, Registry’s Report on the Implementation of the “Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” (ICC-01/05-01/13-703), ICC-01/05-01/13-722-Conf, 27 October 2014, paras. 30-31.

²⁴ Annex 2 to Registry’s Fifth Report, p. 4.

²⁵ *Prosecutor v. Bemba et al.*, Registry’s Fifth Report on the Implementation of the “Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” (ICC-01/05-01/13-703), ICC-01/05-01/13-808-Conf, 2 February 2015, paras. 6 and 7.

20. On 6 January 2015, within the normal 28-day time-limit, Mr. Mangenda filed an appeal from the denial of the decision refusing the family reunion visa. On 9 February 2015, the UK Immigration and Asylum First-tier Tribunal (“Tribunal”), which acts as the court of review or appeal from decisions of immigration officers, issued a “Notice of Pending Appeal” directing the immigration officer to send any and all documents upon which the impugned decision was based to the Tribunal.²⁶ The deadline for providing this information was “within 28 days of the date on which [the immigration officer] received from the Tribunal a copy of the notice of appeal and any accompanying documents.”²⁷ No documents were sent by the required deadline, as is reflected in a subsequent Tribunal of 23 June 2015, notifying the immigration officer that the “Tribunal has to date, not received these documents.”²⁸ The UK immigration officer, for whatever reason, has apparently failed to act within the prescribed time-limits.
21. The foregoing procedural history explains why the deemed revocation of the appeal would be so prejudicial to Mr. Mangenda. Mr. Mangenda wishes, and is entitled, to have the immigration officer’s discretion judicially reviewed. His appeal has now been pending for 195 days. Its progress has been impeded by the immigration officer’s failure to comply with prescribed deadlines. Revocation of the pending appeal in the context of these delays, combined with the prospect of repeated travel to the ICC for these proceedings, will have the effect of immunising the UK government’s executive decision-making from judicial review. This constitutes a substantial and serious cost on Mr. Mangenda for doing no more than discharging his legal obligations, and exercising his most fundamental of rights, under the ICC Statute.
22. The UK may be expected to argue that the revocation of the pending appeal is automatic under section 104 of the *Nationality, Immigration and Asylum 2002 Act* (“Act”) and that, accordingly, any measures that might be contemplated by the Trial Chamber would be “prohibited by the law of the requested State” under Article 93(1)(l). Measures could nonetheless be adopted to ensure that Mr. Mangenda is not *de facto* deprived of his procedural right to judicial review, including by: (i) requesting the UK Immigration and Asylum First-tier Tribunal to render a decision on Mr. Mangenda’s appeal prior to his travel; (ii) deeming that the appeal will be

²⁶ Annex A.

²⁷ *Id.*

²⁸ Annex B.

automatically re-instated upon Mr. Mangenda's return to the UK, without requiring the entire process to re-commence *de novo*; or (iii) interpreting "leave" within section 104 of the Act as not applying to travel that is required for the purposes of participating in ICC proceedings. In any event, the UK has a separate obligation under Article 93(1)(e) that should be deemed applicable to the situation of other persons whose attendance "before the Court" is necessary for the proper functioning of proceedings.

23. Allowing the imposition of such seriously negative consequences on Mr. Mangenda, aside from being unjust in itself and reflecting a lack of respect for the processes of this Court, would set a negative precedent for future cases. Permitting negative consequences to be visited upon individuals traveling to the ICC on the basis that they are merely rules of general application would open the door to interference or obstruction of witnesses. This cannot be consistent with the purpose of Article 93 of the Statute, or with the purposes of the Statute as a whole.

(iv) *The ICC Has a Particular Obligation Given That the Pending Proceedings Are the Only Basis for the Revocation of Mr. Mangenda's Previous, and the Denial of His Pending, Request for a Family Reunion Visa*

24. The only basis cited by the UK immigrations officers for the revocation of Mr. Mangenda's previous visa,²⁹ and the refusal to grant a new one,³⁰ is the pendency of ICC charges against Mr. Mangenda. As stated in the immigration officer's decision of 18 December 2014:

You face charges for a serious crime (witness tampering) before the International Criminal Court. This means that at this time your entry to the UK unrestricted, in a category leading to settlement, is not conducive to the public good. I am therefore refusing your application in accordance with paragraph 320(19) of the United Kingdom Immigration Rules.³¹

Precisely the same formulation of words – "due to the *suspected conduct* of Mr Mangenda in the case of Bemba, his presence in the UK is not considered to be

²⁹ Annex III to UK Submissions of 22 October 2014, p. 1.

³⁰ Annex 2 to Registry's Fifth Report, p. 4.

³¹ *Id.*

conducive to the public good” – appears in the UK’s submissions to this Trial Chamber on interim release.³²

25. Mr. Mangenda’s precarious immigration status in the UK is a direct result of the current proceedings against him. The ICC has a particular responsibility in these circumstances to ensure that Mr. Mangenda’s rights, including to be presumed innocent, are preserved to the greatest extent possible. The reasoning adopted in the immigration decision, and the UK’s submissions to the Chamber, violate the presumption of innocence. While the ICC may not be able to control all consequences that States may give to ICC proceedings, it surely must have the authority under Article 93 to ensure that States do not impose negative legal consequences on individuals for actions that they are *obliged* to take under the ICC Statute.

(v) *The Appropriate Remedy Is to Seek an Amicable Solution With the UK That Preserves Mr. Mangenda’s Rights*

26. It is not clear what steps, if any, have been taken by the Registry to explore solutions with the UK government that would preserve Mr. Mangenda’s rights. The Registry has apparently only addressed the UK government on the issue of the legality of Mr. Mangenda’s departure from, and re-entry to, the UK. The other issue, namely the imposition of measures that will substantially interfere with his rights and privileges in the UK, does not yet seem to have been addressed.
27. The Trial Chamber is accordingly requested, as an initial matter, to consult informally with the Registrar with a view to determining whether there is a form of request to the UK that will facilitate an amicable solution. If no such requests are available or recommended, then a specific request to the UK to refrain from imposing any negative legal consequences on Mr. Mangenda as a result of his travel to the ICC is requested.

V. CONCLUSION AND RELIEF REQUESTED

28. The UK government should not be permitted to impose prejudicial legal consequences on Mr. Mangenda merely because he travels to the seat of the ICC to discharge

³² UK Submissions of 14 July 2015, p. 4 (italics added).

obligations imposed on him under the Statute. The concrete prejudice will be substantial, effectively immunising the denial of a family reunion visa from judicial review. This has a direct impact on Mr. Mangenda's well-being, as well as that of his family members, and imperils the prospect of their family life together. Individuals should not be subject to such prejudice merely by complying with the mandatory procedures of the ICC.

29. The Trial Chamber is respectfully requested to approach this issue in three steps: first, by consulting with the Registrar with a view to seeking an amicable agreement with the UK; second, by issuing a general direction to the UK to co-operate in resolving the present issue; and third, if necessary, to issue a specific request to the UK to refrain from imposing any negative legal consequences on Mr. Mangenda for his travel to The Netherlands, and in particular, to refrain from deeming abandoned his pending appeal from a decision refusing a family reunion visa.



Christopher Gosnell
Counsel for Mr. Jean-Jacques Kabongo Mangenda

Dated this 20 July 2015,
At The Hague, The Netherlands