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Brussels, 12 November 2012

Copy for information to:

- 1- The President of the Republic and Supreme Commander of the FARDC (the Armed
 Forces of the Democratic Republic of the Congo), Gombe, Kinshasa
- 2- The Minister of National Defence and Security of the Democratic Republic of the
 Congo, Mont-Ngaliema, Kinshasa
- 3- The Chief of Staff of the FARDC, Mont-Ngaliema, Kinshasa
- 4- The Auditeur Général of the FARDC, Gombe, Kinshasa

To the Operational Zone Commander of Ituri in Bunia
 Orientale Province
 Democratic Republic of the Congo

Dear Sir,

**Re: the case of Colonel Mathieu Ngudjolo Chui, military service number
 507795/K**

Colonel Mathieu Ngudjolo Chui, for whom I am acting as Lead Counsel, has informed
 me that his monthly military salary, paid until now to his wife, Mrs Sema Kalemi, in
 Bunia, was not paid last month on the grounds that he failed to attend the physical
 verification organised by the military command.

I would remind you that my client was arrested in Kinshasa on 6 February 2008, pursuant to an arrest warrant issued by the International Criminal Court. He was transferred forthwith to The Hague in the Netherlands on 7 February 2008.

He has since been detained at the Scheveningen Detention Centre, where he awaits the Court's verdict in case ICC-01/04-01/07 brought against him by the Prosecutor. The hearing was adjourned for deliberation on 23 May 2012.

I attach a copy of the aforementioned arrest warrant to this letter.

It was therefore impossible for my client to have taken part in the physical verification in the Democratic Republic of the Congo while he was in detention in the Netherlands. The entire military command in the Democratic Republic of the Congo is fully aware that my client left the Congo on 7 February 2008, under close escort. Films showing his trial have been broadcast often in Bunia, including during outreach programmes of the International Criminal Court.

The decision to refuse to pay his salary, for the aforegiven reason is therefore simply arbitrary. It has caused his family considerable distress.

For this reason, I would be grateful if you could instruct the competent FARDC services in Ituri to revoke the decision as a matter of urgency and to pay Mrs Ngudjolo her husband's military salary in its entirety, together with all arrears owing to him.

Yours respectfully,

[signed]

Jean-Pierre Kilenda Kakengi Basila