

ANNEX 1
PUBLIC

Criminal Case 13.336RECORD OF THE SPECIAL PUBLIC HEARING OF 21 MAY 2004BENCH AND APPEARANCES:

- J. Ruffin Ekabela M.: Presiding Judge
- J.M. Kambuma Ndula & Yanyi Ovungu: Judges
- Benjamin Bansenga: Public Prosecutor
- Moreau Mussa bin Shabany: Registrar

CASE: PUBLIC PROSECUTOR v. NGUDJOLO CHUI *et al.*

The 4 Accused each appeared in person with representation provided by defence counsel Ucama and Sifa.

With regard to procedure, the Tribunal declared that it had been properly seized of the case concerning the Accused Saidi and Agenonga, but that it had not been seized in relation to the Accused Ngudjolo and Arombo. Ngudjolo and Arombo appeared voluntarily at the hearing, expressly waiving standard procedural formalities although advised of their right to follow them.

The Tribunal proceeded with the case in the following manner: it declared itself henceforth seized in relation to all the Accused; and it stated that the case had been adjourned until then for the hearing of the witnesses Noire, Patrick and Tamiwo, who failed to appear.

Public Prosecutor: I would ask the Tribunal to take into consideration their failure to appear, or dispense with their testimony.

Counsel Sifa: They are our witnesses, but we are not ready to plead today; an adjournment is necessary to allow us to consult the case file.

Counsel Ucama: We require an adjournment to prepare our pleas; my learned colleague has just started to study the case file.

Mr Ngudjolo, accused:

Q.: What is your opinion?

A.: We can adjourn the case, but I would ask for it to be adjourned to next Thursday as there are problems with serving writs. In addition, we are being ill-treated by members of MONUC Brigade; we do not intend to abscond, but we are surprised to see the abrupt change in the behaviour of our fellow soldiers, who now ill-treat us; we do not know the reason.

The Tribunal advised the Accused to file their motion with the Public Prosecutor, who deals with detainees and who will see what needs to be done.

The Public Prosecutor: Promises to intervene with the local authorities on their behalf; asked them to remain calm.

All parties having been heard, the case against all the accused is thus adjourned until the public hearing of 27 May 200[illegible] to receive the Public Prosecutor's submission and the pleas of the defence.

In witness whereof,

*Registrar
[signed]*

☐ Count	Doc ID	Type	Main Date	Title	EVD - Evidence Number
☐ 1	DRC-OTP-0039-0013	Court document (Non ICC)			
☐ 2	DRC-OTP-0039-0051	Non ICC Statement (Note / Screening / Transcript)	8-Sep-2004	PRO-JUSTITIA	
☐ 3	DRC-OTP-0039-0058	Non ICC Statement (Note / Screening / Transcript)	17-Jun-2004	PRO-JUSTITIA	EVD-OTP-00283
☐ 4	DRC-OTP-0039-0060	Non ICC Statement (Note / Screening / Transcript)	17-Nov-2004	PV PRO-JUSTITIA	
☐ 5	DRC-OTP-0039-0060-R01	Non ICC Statement (Note / Screening / Transcript)	17-Nov-2004	PV PRO-JUSTITIA	
☐ 6	DRC-OTP-0039-0076	Non ICC Statement (Note / Screening / Transcript)	7-Oct-2004	PV PRO-JUSTITIA	
☐ 7	DRC-OTP-0039-0076-R01	Non ICC Statement (Note / Screening / Transcript)	7-Oct-2004	PV PRO-JUSTITIA	
☐ 8	DRC-OTP-0039-0294	Court document (Non ICC)	12-Mar-2004	REQUISITOIRE DU MINISTERE PUBLIC	
☒ 9	DRC-OTP-0039-0403	Court document (Non ICC)	21-May-2004	PROCES-VERBAL DE L'AUDIENCE PUBLIQUE SPECIALE	EVD-D03-00134
☒ 10	DRC-OTP-0039-0409	Court document (Non ICC)	3-Jun-2004	PROCES-VERBAL DE L'AUDIENCE PUBLIQUE	EVD-D03-00135

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EVD - Admitted 31-Oct-2011

EVD - Confidential Public

EVD - Court Officer JT

EVD - Description Procès-verbal de l'audience publique spéciale du 21 mai 2004

EVD - Evidence Number EVD-D03-00134

EVD - Participant Tendering D03

EVD - Presented at the Stage Trial

EVD - Presented during hearing No

EVD - Status EVD

EVD - Submitted 31-Oct-2011

EVD - Submitted By Counsel Jean-Pierre Kilenda

EVD - Witness Submitted Through DRC-D03-P-0707

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Language of the Item FRA - FRENCH

Participant OTP

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Criminal Case 13.336RECORD OF THE PUBLIC HEARING OF 3 JUNE 2004BENCH AND APPEARANCES:

- J. Ruffin Ekabela Mundongia M.: Presiding Judge
- J.M. Kambuma Ndula & Yanyi Ovungu: Judges
- Benjamin Bansenga: Public Prosecutor
- Moreau Mussa bin Shabani: Registrar

CASE: PUBLIC PROSECUTOR v. NGUDJOLO CHUI *et al.*

The Accused Ngudjolo, Arombo and Agenonga appeared in person with representation provided by counsel Ucamu Agenonga and counsel Sifa, appearing subsequent to an adjournment ordered after submissions by the parties; the Accused Saidi failed to appear either in person or via representation.

With regard to procedure, the Tribunal rendered its judgment of which the operative part follows.

- Entertains the challenge to the Tribunal's jurisdiction, but declares it to be without merit.
- Declares that the offence of murder with which the Accused Ngudjolo Chui, Arombo Rach, Saidi Mateso and Agenonga Kakura are charged has not been established in fact or in law. Accordingly, the Tribunal acquits them of the charge and terminates all proceedings against them, with no legal costs.
- Finds the civil party, Gilbert Dhelo, liable for legal costs; orders that the costs shall be paid within the statutory time limit failing which the civil party shall be subject to 3 months of imprisonment.
- Declares the suit for damages admissible, but without merit.

In witness whereof,

Registrar
[signed]

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EVD - Presented during hearing No
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EVD - Submitted By Counsel Jean-Pierre Kilenda
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