

ANNEX 2

PUBLIC



Ministry of Foreign Affairs

Protocol Department
DKP-2013/170

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the International Criminal Court. As to the question which the Trial Chamber invited the host State to respond to, the host State has the honor to inform the Court as follows.

As with proceedings at the Court, it is generally difficult to predict the length of legal proceedings and this applies also to the appeals in the asylum cases. The host State can only assure the Court that it is doing its utmost to speed up these proceedings as much as possible. Much depends on the appellants' position on appeal and the procedural avenues which they choose to explore. As to the appellate courts, the complexity of the cases may require them to extend the time limits for deciding on the appeals.

With these caveats in mind, the following observations can be made regarding timing in the cases in point. As to the pending appeals lodged by Pierre-Célestin Mbodina Iribi and Flobibert Ndjabu Ngabu before the District Court, a hearing will take place on 11 April 2013. In principle, the District Court must decide on the appeals within six (6) weeks, that is, by 23 May 2013. Thereafter, the judgment of the District Court may be appealed to the Council of State within four (4) weeks, that is, by 20 June 2013.

In principle, the Council of State must decide on the appeals within 23 weeks at the latest, though in practice this may be sooner. At that point, the national procedural avenues will have been exhausted. The appellants may then move before the European Court of Human Rights.

The Ministry of foreign Affairs for the Kingdom of the Netherlands avails itself of the opportunity to renew to the International Criminal Court the assurances of its highest consideration.

The Hague, 28 February 2013

To the International Criminal Court
The Hague

