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To His Excellency, the Minister of National Defence

Copied for information to:

1. His Excellency the President of the Democratic Republic of Congo
2. His Excellency the Minister of Justice and Keeper of the Seals
3. The *Auditeur Général* (Chief Military Prosecutor) of the Congolese Armed Forces

All at Gombe, Kinshasa

1. The Chief of Staff of the Congolese Armed Forces
2. The Secretary-General for Defence

All at Ngaliema, Kinshasa

Your Excellency,

Re: Payment of the salary of Colonel Mathieu Ngudjolo Chui, who is currently in detention in The Hague, The Netherlands

I am writing in my capacity as Lead Counsel for Colonel Mathieu Ngudjolo Chui, who is currently in detention in Scheveningen, in The Hague, The Netherlands, in the case brought against him by the Prosecutor of the International Criminal Court in the situation in the Democratic Republic of Congo.

I acknowledge with thanks your letter dated 27 November 2008 (ref: MDNAC/CAB/2139/2008), received on 18 February 2009.

I wish to bring to your attention the developments in the above matter.

Colonel Ngudjolo informed me that his salary has not been paid since September 2008 on the grounds that he had not submitted his biometric data to the competent collection authority of the Congolese Armed Forces. You

will easily appreciate that it is impossible for him to participate in the registration as he is in detention.

As I pointed out to you in my letter dated 28 October 2008, appended hereto, my client is severely importuned as a result of this situation, since his salary is his family's only source of income.

My Legal Assistant, Ms Maryse Alié had the opportunity to meet with the Director of the Cabinet of the Chief of Staff during her mission to the Democratic Republic of Congo and, he confirmed that in principle, the Colonel should continue to receive his salary because to date, he has not been convicted.

Colonel Kamwanba, the acting Secretary-General for Defence, further notified my Legal Assistant that in light of the unattainability of Colonel's biometric data, only a ministerial order from you could result in the payment of his salary.

Insofar as neither Mr Ngudjolo's identity nor his military status have been called into question, I assume that there should be no impediment to such an order being issued.

I therefore have the honour of requesting very respectfully, on behalf of my client, a ministerial order from your office authorising the relevant authority to pay Colonel Ngudjolo's salary.

I remain fully at your disposal to discuss this matter further if necessary.

Your Excellency, I hope that this request meets with your approval.

Yours sincerely,

[signed]

Jean - Pierre Kilenda Kakengi Basila