

The Embassy of the Democratic Republic of the Congo in the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg, Mission to the European Union, presents its compliments to the States Parties to the Rome Statute of the ICC and in relation to the candidacy of Judge Antoine Kesia Mbe Mindua, the DRC's nominated candidate for the election of judges to the ICC, has the honour of reassuring the States Parties that Judge Kesia is available to take up his duties once elected.

Firstly, the DRC wishes to inform the States Parties that contrary to its first Note Verbale announcing the candidacy of Judge A. Kesia Mbe Mindua for list A, his nomination is actually for list B.

Judge Mindua also appeared before the Advisory Committee on nominations of judges, whose report was distributed to the States Parties, as a candidate for list B. It is precisely with regard to paragraph 8 of this report that the DRC wishes to inform the States Parties that it is aware of the relevance of the wording of article 40(3) of the Rome Statute on the health and the availability of judges and that it has taken these provisions into account in submitting the candidacy of Judge Antoine Kesia Mbe Mindua who in fact no longer has a contract with the ICTY (International Criminal Tribunal for the former Yugoslavia).

Indeed, Judge Mindua is a Trial Judge at the ICTY, not an Appeals Judge. He only has one case left, which is currently being heard, and after this he has to leave since he no longer has a contract with the ICTY, such are the rules. Furthermore, the United Nations Security Council has asked the judges to conclude the case by 31 December 2015 at the latest. However, the trial team with whom he is working is so far ahead in dealing with the case that it expects to complete it in March 2014. In which case Judge Mindua would be available for the ICC if the States Parties were to put their trust in him and vote for him.

The Embassy of the Democratic Republic of the Congo in the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg, Mission to the European Union wishes to thank the States Parties to the Rome Statute of the International Criminal Court and seizes this opportunity to renew the assurances of its highest considerations.

*[signed]*

Done at Brussels, 12 November 2014