

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/05-01/13**  
Date: **22 October 2014**

**THE APPEALS CHAMBER**

**Before:** Judge Sanji Mmasenono Monageng, Presiding Judge  
Judge Sang-Hyun Song  
Judge Akua Kuenyehia  
Judge Erkki Kourula  
Judge Anita Ušacka

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC**

*IN THE CASE OF*

*THE PROSECUTOR*

*v. JEAN-PIERRE BEMBA GOMBO, AIME KILOLO MUSAMBA, JEAN-JACQUES  
MANGENDA KABONGO, FIDELE BABALA WANDU AND NARCISSE ARIDO*

**URGENT  
Public**

**Prosecution's Urgent Request to Rule Today on the Prosecutor's Request for  
Suspensive Effect of the "Decision ordering the release of Aimé Kilolo Musamba,  
Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido" of 21  
October 2014, or alternatively, to Instruct the Registrar to not give effect to the  
Decision ordering Release until the Appeals Chamber rules on its Request**

**Source: Office of the Prosecutor**

**Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**

**The Office of the Prosecutor**

Ms Fatou Bensouda, Prosecutor  
Mr James Stewart  
Ms Helen Brady

**Counsel for Jean-Pierre Bemba Gombo**

Mr Nicholas Kaufman

**Counsel for Aimé Kilolo Musamba**

Mr Paul Djunga Mudimbi

**Counsel for Jean-Jacques Mangenda Kabongo**

Mr Jean Flamme

**Counsel for Fidèle Babala Wandu**

Mr Jean Pierre Kilenda Kakengi Basila

**Counsel for Narcisse Arido**

Mr Göran Sluiter

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for Participation/Reparation**

**The Office of Public Counsel for Victims**

**The Office of Public Counsel for the Defence**

**States Representatives**

**Amicus Curiae**

**REGISTRY**

---

**Registrar**

Mr Herman von Hebel

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section Other**

## Submissions

1. On 22 October 2014, Pre-Trial Chamber II rejected the Office of the Prosecutor's ("Prosecution") urgent motion for interim stay of the Single Judge's decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido.<sup>1</sup> The Appeals Chamber is presently seized by the Prosecution's appeal against the Decision of 21 October 2014 and its urgent request to grant suspensive effect.<sup>2</sup>

2. The Pre-Trial Chamber's Decision effectively frustrates the object of the Prosecution's appeal and the pending application for suspensive effect before the Appeals Chamber. To prevent irreparable prejudice to the Prosecution and irreversible consequences to the proceedings against the four suspects caused by their release, the Prosecution respectfully requests the Appeals Chamber to rule today on its request for suspensive effect, or in the alternative, instruct the Registrar to not give effect to the Decision of 21 October 2014 until it does so.

3. In its Decision, the Pre-Trial Chamber has recognised that "the Appeals Chamber is now seized of the Motion (on suspensive effect)" and "will therefore take in due course all measures which it will deem warranted and necessary under the present circumstances."<sup>3</sup> In these circumstances, the Appeals Chamber is the only forum which can effectively rule to preserve the object of the Prosecution's appeal.

---

<sup>1</sup> ICC-01/05-01/13-711 ("Decision"). See also ICC-01/05-01/13-703, where the Single Judge ordered the release of the four suspects ("Decision of 21 October 2014").

<sup>2</sup> ICC-01/05-01/13-706 ("Prosecution's Notice of Appeal and Urgent Request for Suspensive Effect").

<sup>3</sup> Decision, para.5.

### Relief Sought

4. Accordingly, the Prosecution respectfully requests that the Appeals Chamber:
  - i. Rule today on its request for suspensive effect; or
  - ii. Instruct the Registrar to not give effect to the Decision of 21 October 2014 until it rules on the Prosecution's request for suspensive effect.



---

Fatou Bensouda, Prosecutor

Dated this 22<sup>nd</sup> day of October 2014

At The Hague, The Netherlands

Word Count: 571<sup>4</sup>

---

<sup>4</sup> It is hereby certified that this document contains the number of words specified and complies in all respects with the requirements of Regulation 36 of the RoC. This statement (52 words), not itself included in the word count, follows the Appeals Chamber's direction to "all parties" appearing before it: ICC-01/11-01/11-565 OA6, para.32.