

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 13 November 2014

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF *THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA WANDU and NARCISSE ARIDO*

Public

**Consolidated decision on various filings submitted by the parties in case
ICC-01/05-01/13**

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Paul Djunga

Counsel for Jean-Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basilia

Counsel for Narcisse Arido

Göran Kimo Sluiter

Legal Representatives of Victims

Legal Representatives of Applicants

**The Office of Public Counsel for
Victims**

The Office of Public Counsel for the Defence

States Representatives

REGISTRY

Registrar

Herman von Hebel

Detention Section

I, Judge Cuno Tarfusser, having been designated as Single Judge of Pre-Trial Chamber II (“Chamber”) of the International Criminal Court;

NOTING the “Request seeking the Prosecution to provide to the Kilolo Defence specific information relating to its reimbursement of Prosecution witnesses” submitted by the Defence for Mr Kilolo on 27 June 2014 (“Mr Kilolo’s First Request”)¹;

NOTING the “Requête visant l’amendement de l’inventaire des éléments de preuve à décharge de la Défense de M. Aimé Kilolo Musamba” dated 5 September 2014 (“Mr Kilolo’s Second Request”)²;

NOTING the “Requête urgente de la Défense en vue de solliciter la plaidoirie publique de l’affaire ICC-01/05-01/13” submitted by the Defence for Mr Babala on 11 September 2014 (“Mr Babala’s First Request”)³;

NOTING the “Brève Réponse de la Défense de Monsieur Fidèle Babala Wandu à la ‘Réplique de la Défense de M. Aimé Kilolo Musamba à la Soumission de l’Accusation du 30 juillet 2014 (ICC-01/05-01/13-597-Conf-AnxB) et à la Réplique de l’Accusation du 21 juillet 2014 (ICC-01/05-01/13-646-Conf)’ (ICC-01/05-01/13-647-Conf)” submitted by the Defence for Mr Babala on 18 September 2014 (“Mr Babala’s Second Request”)⁴;

NOTING the “Defence request for the disclosure of material to the co-Suspects”, submitted by the Defence for Mr Bemba on 17 October 2014 (“Mr Bemba’s Request”)⁵;

¹ ICC-01/05-01/13-520.

² ICC-01/05-01/13-663-Conf-Exp.

³ ICC-01/05-01/13-672.

⁴ ICC-01/05-01/13-678-Conf.

⁵ ICC-01/05-01/13-698-Conf-Exp.

NOTING the “Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” dated 22 October 2014⁶;

NOTING the “Requête extrêmement urgente en vue de la tenue d’une audience avec les représentants des Etats du Royaume Uni, des Pays Bas et de la Belgique par rapport au manque de coopération en vue de la mise en liberté ordonnée de Monsieur Jean Jacques Kabongo Mangenda et à sa détention arbitraire”, submitted by the Defense for Mr Mangenda on 28 October 2014 (“Mr Mangenda’s Request”)⁷;

NOTING the Chamber’s “Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute” dated 11 November 2014⁸, partially confirming the charges brought by the Prosecutor against the five suspects in this case (“Decision on the Confirmation of the Charges”);

NOTING the “Registry’s Fourth Report on the Implementation of the ‘Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido’ (ICC-01/05-01/13-703)” dated 12 November 2014 (“Registry’s Fourth Report”)⁹;

NOTING article 61(7) and 61(11) of the Statute;

CONSIDERING, as regards Mr Kilolo’s First and Second Requests, Mr Babala’s First and Second Request, Mr Mangenda’s Request and Mr Bemba’s Request, that the issues raised therein were not addressed prior to or in the context of the Decision on the Confirmation of the Charges since they either reiterated issues previously raised and already decided upon in the course of these proceedings,

⁶ ICC-01/05-01/13-703.

⁷ ICC-01/05-01/13-723-Conf.

⁸ ICC-01/05-01/13-749.

⁹ ICC-01/05-01/13-751-Conf and confidential annex thereto.

or were found not to be instrumental to the Chamber's determinations under article 61(7) of the Statute;

CONSIDERING that, in light of the Decision on the Confirmation of the Charges, Mr Kilolo's First and Second Requests, Mr Babala's First and Second Requests and Mr Bemba's Request have become moot for the purposes of this phase of the proceedings;

CONSIDERING, as regards Mr Mangenda's Request, that, in the meantime and as stated in the Registry's Fourth Report, Mr Mangenda has been released from the custody of the Court and that, accordingly, it has also become moot;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

DISMISSES Mr Kilolo's First and Second Requests, Mr Babala's First and Second Request, Mr Bemba's Request and Mr Mangenda's Request.

Done in both English and French, the English version being authoritative.



Judge Cuno Tarfusser

Single Judge

Dated this Thursday, 13 November 2014

The Hague, The Netherlands