

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 14 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

Decision on the “Requête URGENTE de la Défense de M. Fidèle Babala WANDU sollicitant la suspension ou la prorogation de délais pour soumettre sa demande éventuelle d’autorisation d’interjeter appel contre la Décision confirmant les charges” submitted by the Defence for Mr Babala

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 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 Chamber’s “Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute” dated 11 November 2014¹, partially confirming the charges brought by the Prosecutor against the five suspects in this case (“Decision on the Confirmation of the Charges”);

NOTING the “*Requête URGENTE de la Défense de M. Fidèle Babala WANDU sollicitant la suspension ou la prorogation de délais pour soumettre sa demande éventuelle d’autorisation d’interjeter appel contre la Décision confirmant les charges*” submitted by the Defence for Mr Babala on 14 November 2014 (“Mr Babala’s Request”)², requesting the Chamber to decide that the five-day time limit set forth in rule 155 of the Rules of Procedure and Evidence for requesting leave to appeal the Decision on the Confirmation of the Charges start to run only following the notification of its French translation, and to order the Court Interpretation and Translation Section “*de produire cette version le plus vite possible*”;

NOTING articles 67(1)(a) and 67(1)(f) of the Statute; rule 155 of the Rules of Procedure and Evidence; regulation 35 of the Regulations of the Court;

CONSIDERING that, as already stated in these proceedings, the right to translation is instrumental to the preservation of the fairness of the proceedings³;

CONSIDERING that, as mirrored in Mr Babala’s Request, in other cases (including before this Chamber⁴), the time limit for lodging a request for leave to appeal a decision on the confirmation of the charges has been suspended

¹ ICC-01/05-01/13-749.

² ICC-01/05-01/13-754.

³ ICC-01/05-01/13-177.

⁴ ICC-01/05-01/08-424.

pending the notification of the translation of such decision into the language fully understood and spoken by the accused;

CONSIDERING that, in light of the professionalism of the Court Interpretation and Translation Section, it is to be assumed that the Decision on the Confirmation of the Charges will be translated as expeditiously as feasible as a matter of course and that, accordingly, there is no need for imparting an order to that effect;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS Mr Babala's Request;

DECIDES that the five-day time limit set out in rule 155(1) to present an application for leave to appeal the Decision on the Confirmation of the Charges shall start running for all the parties as of the date of the notification of the French translation of such Decision on the Confirmation of the Charges.

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



Judge Cuno Tarfusser

Single Judge

Dated this Friday, 14 November 2014

The Hague, The Netherlands