

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 8 January 2015

**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 “Réquête de la Défense en vue de solliciter la reclassification des observations soumises par la République Démocratique du Congo relatives à la mise en liberté provisoire de M. Fidèle BABALA WANDU et des soumissions connexes” submitted by Mr Babala on 26 December 2014**

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 Mudimbi

**Counsel for Jean-Jacques Mangenda Kabongo**

Jean Flamme

**Counsel for Fidèle Babala Wandu**

Jean-Pierre Kilenda Kakengi Basila

**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**

Competent authorities of the  
Democratic Republic of the Congo

**REGISTRY**

---

**Registrar**

Herman von Hebel

**Detention Section**

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

**NOTING** the “Réquête de la Défense en vue de solliciter la reclassification des observations soumises par la République Démocratique du Congo relatives à la mise en liberté provisoire de M. Fidèle BABALA WANDU et des soumissions connexes” dated 26 December 2014 (“Mr Babala’s Request”)<sup>1</sup>, requesting that the observations submitted by the authorities of the Democratic Republic of the Congo (“DRC”) within the context of and prior to the Chamber’s decision on Mr Babala’s request for interim release (i.e., documents ICC-01/05-01/13-78-Anx5, ICC-01/05-01/13-78-Anx6 and ICC-01/05-01/13-206-Conf-AnxI), as well as Mr Babala’s response thereto (i.e., document ICC-01/05-01/13-217-Conf: “Mr Babala’s Response”) and Mr Babala’s Request, be reclassified as public;

**NOTING** articles 57(3)(c) and 67 of the Statute, rules 15, 43, 81 and 121 of the Rules of Procedure and Evidence (“Rules”), regulation 23*bis* of the Regulations of the Court (“Regulations”) and regulation 25 of the Regulations of the Registry;

**CONSIDERING** that, as already stated in these proceedings (including upon deciding<sup>2</sup> requests of a similar nature previously submitted by the Defence for Mr Babala), the principle of the publicity of the proceedings is one of the staples of the right to a fair trial and that, accordingly, any and all exceptions thereto must be justified;

**CONSIDERING** that, by virtue of developments in these proceedings, the information contained in the DRC Observations, in Mr Babala’s Response and in Mr Babala’s Request are already in the public domain and no longer of relevance;

---

<sup>1</sup> ICC-01/05-01/13-786-Conf.

<sup>2</sup> ICC-01/05-01/13-741.

**FOR THESE REASONS, THE SINGLE JUDGE HEREBY**

**GRANTS** Mr Babala's Request;

**DECIDES** that documents

ICC-01/05-01/13-78-Anx5;

ICC-01/05-01/13-78-Anx6;

ICC-01/05-01/13-206-Conf-AnxI;

ICC-01/05-01/13-786-Conf

shall be reclassified as public.

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



**Judge Cuno Tarfusser**  
**Single Judge**

Dated this Thursday, 8 January 2015

The Hague, The Netherlands