

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **6 June 2014**

Date of public redacted version: **06 January 2017**

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 redacted version of
Decision on the “Requête de monsieur Fidèle Babala Wandu en main levée
partielle de la saisie ”**

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

Ghislain Mabanga

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

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

States Representatives

REGISTRY

Registrar

Herman von Hebel

Detention Section

Victims and Witnesses Unit

Others

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

NOTING the “Requête de monsieur Fidèle Babala Wandu en main levée partielle de la saisie”¹ submitted on 18 December 2013, whereby the Defence for Fidèle Babala Wandu requests the release from seizure of the [REDACTED] bank account “pour que sa famille ait accès à ses salaires versés par l’Assemblée Nationale et s’en serve pour vivre” (“Mr Babala’s Request”);

NOTING that, in his “Decision on the ‘Requête de monsieur Fidèle Babala Wandu en main levée partielle de la saisie’ dated 18 December 2013”², filed on 19 December 2013, the Single Judge, *inter alia*, (I) decided that a decision on Mr Babala’s Request would have only been made if and when: “(i) detailed information as to the subject matter of Mr Babala’s Request, including for the purposes of identifying the relevant bank accounts, as well as (ii) specific, detailed information as to the nature and amount of the expenses arising in connection with the needs of Mr Babala’s family [would] be submitted”, (II) ordered the Registrar (i) “to request the authorities of the Democratic Republic of the Congo to provide detailed information as to the assets which they have identified as pertaining to Mr Babala, if any, as well as to the extent to which any of these assets have been seized in execution of the warrant and the request for cooperation” and (ii) “to report, as soon as practicable, on the outcome of the request to the authorities of the Democratic Republic of the Congo made pursuant to this decision”;

¹ ICC-01/05-01/13-52-Conf.

² ICC-01/05-01/13-55-Conf.

NOTING the “Présentation à la Chambre des informations détaillées relatives à la ‘Requête de monsieur Fidèle Babala Wandu en main levée partielle de la saisie’ en exécution de la Décision ICC-01/05-01/13-55-Conf”³ ;

NOTING the *note verbale* annexed to the “Registry’s transmission of the reply from the Democratic Republic of the Congo concerning the freezing of assets belonging to Mr. Fidèle Babala Wandu”⁴, whereby the competent authorities of the Democratic Republic of the Congo inform that no assets belonging to Mr. Babala have been seized, “étant donné que les différentes banques contactées à cette fin ont répondu soit que l’intéressé n’avait pas de compte en leurs livres, soit que son compte était déjà clôturé”⁵;

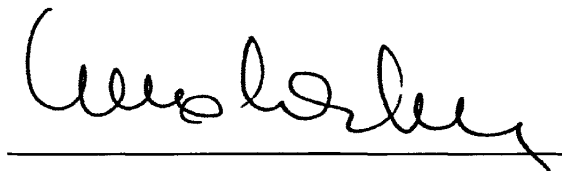
CONSIDERING therefore that the Request is moot;

FOR THESE REASONS, THE SINGLE JUDGE

DECIDES that document ICC-01/05-01/13-397-Conf-Exp and the related Annex shall be reclassified as confidential *ex parte* only available to the Registry, the Office of the Prosecutor and the Defence for Fidèle Babala Wandu;

DISMISSES Mr Babala’s Request.

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



Judge Cuno Tarfusser

Single Judge

Dated this Friday 6 June 2014 at The Hague, The Netherlands

³ ICC-01/05-01/13-90-Conf.

⁴ ICC-01/05-01/13-397-Conf-Exp.

⁵ ICC-01/05-01/13-397-Conf-Exp-Anx1.