

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 27 November 2013

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***

URGENT

Confidential

**Decision on the Prosecutor's "Urgent Request to extend the prohibition of
contacts between the Suspects and with Third Parties"**

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
Anton Steynberg

Counsel for the Defence

Magali Pirard
Jean-Pierre Kilenda Kakengi Basila
Paul Djunga Mudimbi

Legal Representatives of Victims

Unrepresented Victims

Legal Representatives of Applicants

**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 and Deputy Registrar
Herman von Hebel

Detention Section

Victims and Witnesses Unit

Others

**Victims Participation and
Reparations Section**

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

NOTING the "Mandat d'arrêt à l'encontre de Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu et Narcisse Arido" issued under seal, *ex parte* on 20 November 2013, whereby the Single Judge, *inter alia*, prohibited contacts between the suspects for a period not exceeding 72 hours following their arrest; and that this measure was subsequently extended by the Registrar for security reasons;

NOTING that Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba and Fidèle Babala Wandu are currently under custody at the Court's detention unit and that the 72 hours period following their arrest has expired;

NOTING the "Urgent Request to Extend the Prohibition of Contacts between the Suspects and with Third Parties" filed on 27 November 2013 at 15.36, during the suspects' initial appearance before the Single Judge;

CONSIDERING that, contrary to the Prosecutor's submission, no prejudice to the continuing investigation can be seen by the Single Judge if the segregation period for contact between the suspects were not to be extended, given that contacts between the suspects at this stage and at the Court's detention unit do not hold the potential to prejudice the Prosecutor's ongoing investigation neither in relation to the collection and processing of documentary evidence nor in terms of obtaining statements from relevant witnesses;

CONSIDERING, furthermore, that the Prosecutor has had ample opportunity to "complete necessary suspect interviews" since the suspects' arrest and/or surrender to the Court, and that it therefore appears unreasonable to extend the exceptional and restrictive measure of prohibiting contacts between the suspects to their detriment;

CONSIDERING that any concern as to the existence of a potential prejudice to the continuing investigation can be satisfactorily addressed by implementing adequate surveillance measures in the Detention Unit of contacts between the suspects both with each other and with third parties;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

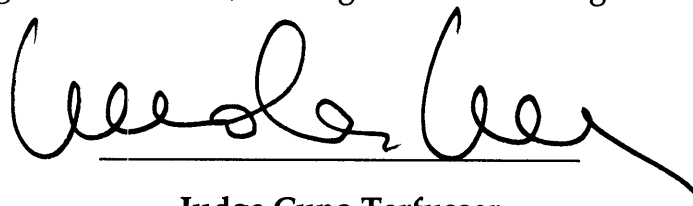
REJECTS the Prosecutor's request to extend the period of prohibition of contacts between the suspects;

ORDERS the Registrar to implement adequate surveillance measures in the Detention Unit to ensure that the contacts between each of the three suspects during their interaction are actively monitored;

ORDERS the Registrar to ensure that the contacts between each of suspects and third parties, during visits, telephone calls and correspondence, whether by post or email, are actively monitored, with the exclusion of those with their respective counsel; and

ORDERS the Registrar to report to the Single Judge as to the implementation of the present decision.

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

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Judge Cuno Tarfusser

Single Judge

Dated this Wednesday 27 November 2013 at The Hague, The Netherlands