

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Public

**Decisions requesting observations on the “Requête urgente de la défense
sollicitant la mise en liberté provisoire de monsieur Fidèle Babala Wandu”**

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

Florence Darques Lane

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Jean-Pierre Kilenda Kakengi Basila

Counsel for Jean-Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Prof Jean-Pierre Fofé Djofia Malewa

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
Kingdom of the Netherlands

Competent authorities of the
Democratic Republic of the
Congo

REGISTRY

Registrar

Herman von Hebel

Detention Section

I, Judge Cuno Tarfusser, having been designated ¹ as Single Judge of Pre-Trial Chamber II (“Chamber”) of the International Criminal Court;

NOTING the “Warrant of arrest for Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” issued on 20 November 2013² ;

NOTING the “Requête urgente de la Défense sollicitant la mise en liberté provisoire de monsieur Fidèle Babala Wandu” dated 12 December 2013 (“Fidèle Babala’s Defence Application”)³, whereby the Defence of Fidèle Babala (I) submits inter alia (i) that the requirements set forth under article 58(1) of the Statute are not met; (ii) that Fidèle Babala undertakes to appear before the Court as required for the purposes of the proceedings in the case; (iii) that his detention is causing serious prejudice to his personal, familiar and professional life and, accordingly, (II) requests that he be provisionally released;

NOTING article 60(2) of the Statute, rule 118 of the Rules of Procedure and Evidence and regulation 51 of the Regulations of the Court;

NOTING, in particular, that regulation 51 provides that “for the purposes of a decision on interim release, the Pre-Trial Chamber shall seek observations from the host State and from the State to which the person seeks to be released”;

NOTING that, accordingly, no decision can be taken prior to having received said observations;

NOTING that Fidèle Babala requests to be released to the Democratic Republic of the Congo;⁴

¹ ICC-01/05-45-Conf-Exp.

² ICC-01/05-01/13-1-Red2-tENG.

³ ICC-01/05-01/13-1-38.

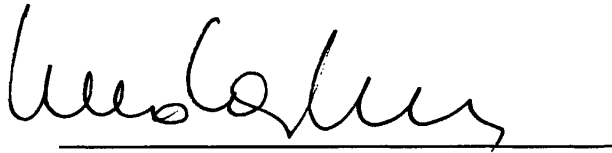
⁴ ICC-01/05-01/13-1-38, paras 59-60.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

DECIDES

that the Prosecutor, the relevant authorities of the Kingdom of the Netherlands and the relevant authorities of the Democratic Republic of the Congo shall submit their views on Fidèle Babala's Defence Application no later than **Friday 3 January 2014**.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', is written over a horizontal line.

**Judge Cuno Tarfusser
Single Judge**

Dated this Friday, 13 December 2013

The Hague, The Netherlands