

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Confidential

Decision on the “Prosecution application for leave to submit an ‘Amended and corrected version of Prosecution response to the “Requete urgente de la Défense sollicitant la mise en liberté provisoire de Monsieur Fidèle Babala Wandu” of 3 January 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

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

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

The Office of Public Counsel for the Defence

States Representatives

Others

REGISTRY

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 "Prosecution application for leave to submit an 'Amended and corrected version of Prosecution response to the "Requete urgente de la Défense sollicitant la mise en liberté provisoire de Monsieur Fidèle Babala Wandu"¹ of 3 January 2014' " ("Prosecutor's Application") dated 10 January 2014,² whereby the Prosecutor requests permission "to file a corrected and amended version of the "Prosecution Response to the 'Requete urgente de la Défense sollicitant la mise en liberté provisoire de Monsieur Fidèle Babala Wandu'" ("Prosecutor's Response")³ and submits that (i) the proposed corrections do not alter the substance of her original Response since they "address typographical, formatting and clerical errors" and (ii) only "three minor changes" to the Response could fall outside the strict parameters for a corrigendum set forth by the Regulations;

NOTING regulation 23 of the Regulations of the Court;

CONSIDERING that corrigenda may not be used to add to or alter the substance of the submissions made in a document, the purpose of a corrigendum being that of correcting typographical errors, as held by the Appeals Chamber;⁴

CONSIDERING that, although some of the changes requested by the Prosecutor fall beyond the scope of typographical errors, none of the envisaged corrections affect the substance of the Prosecutor's Response;

¹ ICC-01/05-01/13-38.

² ICC-01/05-01/13-81-Conf with Confidential Annexes A and B.

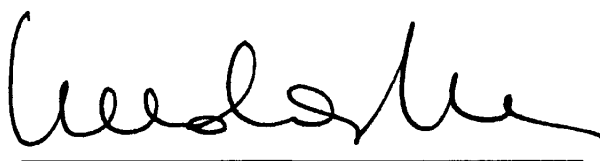
³ ICC-01/05-01/13-67-Conf.

⁴ ICC-01/04-01/06-2953, (A2 A3 OA 21), 14 December 2012, para. 22; ICC-01/05-01/08-631-Red OA2, 2 December 2009, paras. 38,39.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Prosecutor's Application.

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 Tuesday, 14 January 2014

The Hague, The Netherlands