

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 19 March 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*

Public

Decision on “Narcisse Arido’s regulation 35 motion to extend time for initial appearance to March 24, 2014 to allow attorney, Abbe Jolles, to travel from Washington DC, USA” dated 18 March 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

Ghislain Mabanga

Catherine Mabilie

Counsel for Jean-Jacques Mangenda

Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

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**

Xavier-Jean Keïta

States Representatives

Other

Abbe Jolles

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Esteban Peralta Losilla

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 on 20 November 2013 ¹;

NOTING that Narcisse Arido was surrendered to the Court on Tuesday 18 March 2014;

NOTING the “Decision convening a hearing for the first appearance of Narcisse Arido” dated 18 March 2014², whereby the Single Judge decided that the first appearance of Narcisse Arido before the Chamber would take place on Thursday 20 March 2014 at 10 hours;

NOTING the “Notification of the appointment of duty counsel for Mr Narcisse Arido” dated 18 March 2014³, whereby the Registrar informed the Chamber having appointed “Mr Xavier-Jean Keïta, principal counsel of the Office of Public Counsel for the Defence, as duty counsel to assist and represent the interests of Mr Narcisse Arido immediately before, during and immediately after his first appearance before the Chamber”;

NOTING today’s “Registry’s transmission of a filing submitted by Ms Abbe Jolles”⁴, transmitting to the Chamber “Narcisse Arido’s regulation 35 motion to extend time for initial appearance to March 24, 2014 to allow attorney, Abbe Jolles, to travel from Washington DC, USA” dated 18 March 2014⁵, whereby Ms Abbe Jolles (i) submits being an attorney based in Washington DC, United States of America, representing Narcisse Arido on the basis of a power of attorney

¹ ICC-01/05-01/13-1-Red2.

² ICC-01/05-01/13-265.

³ ICC-01/05-01/13-268-Conf-Exp.

⁴ ICC-01/05-01/13-272.

⁵ ICC-01/05-01/13-272-Anx1.

transmitted to the Registrar on 7 March 2014 and filed in the record of the case on 11 March 2014⁶; (ii) states being unable to “arrive in The Hague until Sunday March 23, 2014”; (iii) argues that, in order “to fully protect fair trial rights of Narcisse Arido”, “a short extension is necessary and appropriate to allow counsel of his choice to be present” and (iv) accordingly requests that the initial appearance be “reset” for Monday 24 March 2014 at 14 hours;

NOTING articles 60(1) and 67 of the Statute, rule 121(1) of the Rules of Procedure and Evidence and regulations 23bis and 35(2) of the Regulations of the Court;

CONSIDERING that, at this stage, Narcisse Arido has yet to confirm to the Registry his choice of counsel to represent him in the proceedings before the Court;

CONSIDERING that the Registrar’s appointment of Mr Xavier-Jean Keïta, Principal Counsel of the Office of Public Counsel for the Defence, as duty counsel to represent Narcisse Arido during his first appearance fully meets the requirement that Mr Arido’s rights be duly protected;

CONSIDERING that the issue of Narcisse Arido’s legal representation, including by counsel of his own choice, will be duly addressed in the context of his first appearance;

CONSIDERING further that, in light of the strict security arrangements planned for the 2014 Nuclear Security Summit to be held in The Hague on Monday 24 and Tuesday 25 March 2014, heavy disruptions to travel to, from and within The Hague are expected between Saturday 22 and Tuesday 25 March 2014, this making it highly uncertain whether it will be actually possible for anyone to arrive in The Hague, or at the Court, on those days;

⁶ ICC-01/05-01/13-251+Anxs.

CONSIDERING it therefore unfeasible to envisage holding Narcisse Arido's first appearance on either of those days;

CONSIDERING that the hearing for the first appearance of Narcisse Arido, the limited object and purpose of which are set forth in article 60(1) of the Statute, must be promptly convened and that its postponement for longer than a week would constitute a violation of his rights;

CONSIDERING that, in light of this, no good cause has been shown within the meaning and for the purposes of regulation 35(2) of the Regulations of the Court;

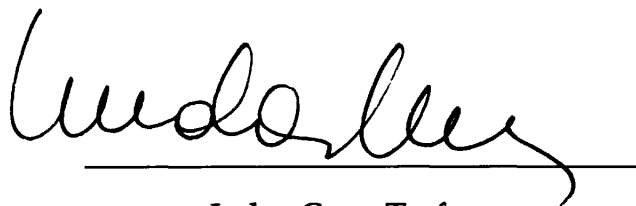
CONSIDERING that the reasons warranting the classification of the Registrar's notification of the appointment of duty counsel for Narcisse Arido as confidential, ex parte no longer exist;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

REJECTS Abbe Jolles's request;

DECIDES that the "Notification of the appointment of duty counsel for Mr Narcisse Arido" dated 18 March 2014 (ICC-01/05-01/13-268-Conf-Exp) shall be reclassified as public.

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

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

**Judge Cuno Tarfusser
Single Judge**

Dated this Wednesday, 19 March 2014
The Hague, The Netherlands