

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 16 May 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 the “Requête de la Défense tendant à solliciter de la Chambre préliminaire II le rappel au Procureur du respect du choix de la langue opéré par Monsieur Fidèle Babala Wandu dans la présente affaire”

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

**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 “Requête de la Défense tendant à solliciter de la Chambre préliminaire II le rappel au Procureur du respect du choix de la langue opéré par Monsieur Fidèle Babala Wandu dans la présente affaire”, submitted on 30 April 2014 (“Defence Request”), whereby the Defence for Fidèle Babala Wandu (i) recalls Mr Babala’s choice of French as his language of preference for the proceedings, (ii) “postule le rappel au Procureur que la langue choisie par le requérant dans le cadre de la procédure en cours le visant, est le français” (“First request”), and (iii) “sollicite la notification au requérant du document détaillé de notification des charges et de tous les autres actes de procédure directement en français” (“Second Request”);¹

NOTING the “Prosecution’s response to Babala Defence’s Request ‘*tendant à solliciter de la Chambre préliminaire II le rappel au Procureur du respect du choix de la langue opéré par Monsieur Fidèle Babala Wandu dans la présente affaire*’” dated 12 May 2014, whereby the Prosecutor “opposes the Babala Defence’s request to be notified of all procedural documents directly in French”, arguing that a suspect’s “statutory right to receive French translations of documents is limited to those required to inform him in detail of the nature, cause and content of the charges brought against him”;²

NOTING article 67(1)(a) and (f) of the Rome Statute, rule 42 of the Rules of Procedure and Evidence and regulation 40(3) of the Regulations of the Court;

CONSIDERING, as regards the First Request, that the issuance of a “reminder” can hardly be regarded as a matter suitable for judicial adjudication;

¹ ICC-01/05-01/13-370.

² ICC-01/05-01/13-393.

CONSIDERING, as regards the Second Request, that, as already stated by the Single Judge, "the accused shall not be served with all documents in a language he fully understands or speaks but only with those documents which are *essential* for his proper preparation to face the charges presented by the Prosecutor and which form the basis of the determination by the Chamber of those charges";³

CONSIDERING that in the same decision the Single Judge also stated that "the fairness of the proceedings is adequately preserved by making sure that the Defence will have been disclosed the entirety of any communication on which the Prosecutor relies *for the purpose of the confirmation of the charges*, whether such reliance is in whole or in part" (emphasis added);

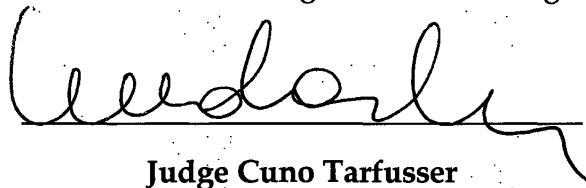
CONSIDERING that, accordingly, the legal issues underlying the Second Request have since long been adjudicated by the Single Judge;

CONSIDERING that the Prosecutor stated that Mr Babala "will be provided with a French version of the document containing the charges";

FOR THESE REASONS, THE SINGLE JUDGE

REJECTS the Defence Request.

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



Judge Cuno Tarfusser

Single Judge

Dated this Friday, 16 May 2014

The Hague, The Netherlands

³ ICC-01/05-01/13-177.