

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 June 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 requesting observations on the
“Narcisse Arido’s request for interim release”**

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

**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
French Republic

REGISTRY

Registrar

Herman von Hebel

Detention Section

I, Judge Cuno Tarfusser, having been designated as Single Judge of Pre-Trial Chamber II 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 2013¹ ;

NOTING the “Narcisse Arido’s request for interim release” dated 10 June 2014 (“Mr Arido’s Defence Application” or “Application”))², (I) submitting *inter alia* that (i) there are no “specific and concrete elements” justifying his pre-trial detention; (ii) in light of the nature of the crimes charged by the Prosecutor, further detention would be unreasonable and in violation of Article 60(4) of the Statute and (iii) Mr Arido has been requested by the French authorities “to attend a meeting in France related to his asylum claim”, as detailed in confidential Annex A to Mr Arido’s Defence Application, and accordingly, (II) requesting the Single Judge to

“a. Render his decision before 18 June 2014, in order to ensure that Mr. Arido is able to renew his temporary residence permit and attend the ... interview related to his asylum claim;

b. Grant Mr. Arido interim release;

c. Declare that the interim release is effective immediately;

d. Order the Registry and the Detention Unit to take all necessary measures to ensure Mr. Arido’s release and departure for France”.

or, “alternatively”,

e. To grant a temporary interim release to permit Mr. Arido to renew his temporary residence permit and attend the 27 June 2014 interview ... related to his asylum claim in Paris, France”, namely for the period “18 to 28 June 2014 (“Mr Arido’s Alternative Request”);

¹ ICC-01/05-01/13-1-Red2-tENG.

² ICC-01/05-01/13-477-Conf.

NOTING articles 57(3)(c) and 67 of the Statute, rules 15, 43, 81 and 121 of the Rules of Procedure and Evidence (“Rules”), regulation 23bis of the Regulations of the Court (“Regulations”) and regulation 25 of the Regulations of the Registry;

CONSIDERING that, on the one hand, filings pertaining to the interim release of a suspect should be public as a matter of principle, unless compelling reasons require otherwise, and that, on the other hand, the fact that asylum proceedings concerning Narcisse Arido are ongoing in France is *per se* not a matter of a confidential nature;

CONSIDERING that, accordingly, it is necessary and appropriate that this decision be classified as public and that the Defence for Mr Arido be given the opportunity to redact information from its Application, if it deems it necessary;

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”;

CONSIDERING that, accordingly, it is unfeasible for the Chamber to render its decision on Mr Arido’s Defence Application (dated 10 June 2014) “before 18 June 2014” as requested;

CONSIDERING, as regards Mr Arido’s Alternative Request, that the letter whereby the French authorities set the date of 27 June 2014 for an interview (“*entretien*”) related to Mr Arido’s request for asylum, annexed to the Application as confidential Annex A thereto, is dated 6 May 2014 and appears to have been received on 20 May 2014;

CONSIDERING further that, in the letter, the French authorities specifically states that *“si vous êtes contraint de reporter le rendez-vous fixé par l’Office, vous voudrez bien présenter dans les plus brefs délais un justificatif établissant votre impossibilité à être présent ce jour là”*, thereby providing Mr Arido with the possibility to obtain a rescheduling of the interview;

CONSIDERING that Mr Arido’s current state of detention at the Detention Centre of the Court in the context of these proceedings qualifies as a *“justificatif”* for the purposes of the interview envisaged by the French authorities;

NOTING that Mr Arido requests to be released to the French Republic;

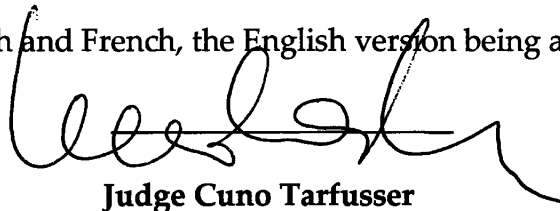
FOR THESE REASONS, THE SINGLE JUDGE HEREBY

REJECTS Mr Arido’s Alternative Request;

ORDERS the Defence for Mr Arido to submit a public version of its Application, redacted as it deems appropriate;

DECIDES that the Prosecutor, the relevant authorities of the Kingdom of the Netherlands and the relevant authorities of the French Republic shall submit their views on Mr Arido’s Defence Application no later than **Monday 28 June 2014**.

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



Judge Cuno Tarfusser

Single Judge

Dated this Thursday, 12 June 2014

The Hague, The Netherlands