

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 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 on the “Demande en reconsidération de la décision ICC-01/05-01/13-460 05-06-2014” submitted by the Defence for Mr Mangenda on 12 June 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

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**

**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 “Decision on the ‘Demande très urgente en reconsidération de la décision ICC-01/05-01/13-443 du 28 mai 2014, en ordre subsidiaire demande de mise en liberté’ submitted by the Defence for Jean-Jacques Mangenda on 30 May 2014” dated 4 June 2014 (“4 June 2014 Decision”);¹

NOTING the “Demande en reconsidération de la décision ICC-01/05-01/13-460 05-06-2014” dated 12 June 2014 (“Defence Request for Reconsideration”),² whereby the Defence for Mr Mangenda submits that, in his request dated 30 May 2014 rejected by the 4 June 2014 Decision, the Single Judge “a omis de statuer sur la demande subsidiaire en mise de liberté provisoire” contained in that request and, accordingly, requests the Single Judge to “réconsidérer” the 4 June 2014 Decision;

NOTING article 82(1)(d) of the Statute;

CONSIDERING that, as repeatedly stated by the Chambers of the Court as well as in these proceedings,

- (i) the statutory instruments of the Court do not provide for such a broad procedural remedy as an unqualified “motion for reconsideration” of a decision, as repeatedly highlighted by the pre-trial chambers of the Court; and
- (ii) “the Statute defines exhaustively the right to appeal against decisions of first instance courts, namely decisions of the Pre-Trial or Trial Chambers”³;

¹ ICC-01/05-01/13-460.

² ICC-01/05-01/13-496.

³ ICC-01/04-168 OA03, para. 39.

CONSIDERING that, accordingly, the Defence for Mr Mangenda might only have requested leave to appeal the 4 June 2014 Decision pursuant to article 82(1)(d) of the Statute, which provision sets forth the only admissible procedural avenue for reviewing a decision other than final, and in compliance with all the requirements set forth by the Statute and the Rules, in particular the time limit of five days from the notification of the relevant decision (which time limit, for the 4 June 2014 Decision, expired on 11 June 2014);

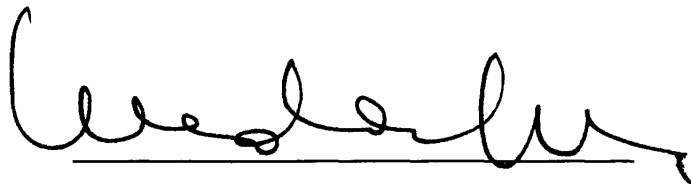
CONSIDERING that, accordingly, the Defence Request for Reconsideration must be dismissed *in limine* as inadmissible;

CONSIDERING it nevertheless appropriate to remind the Defence for Mr Mangenda that observations for the purposes of the periodic review of Mr Mangenda's state of detention have already been requested and that, accordingly, the review of Mr Mangenda's state of detention is imminent⁴;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

DISMISSES the Defence Request for Reconsideration of the 4 June 2014 Decision.

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



Judge Cuno Tarfusser
Single Judge

Dated this Tuesday, 17 June 2014
The Hague, The Netherlands

⁴ ICC-01/05-01/13-495