



Original: English

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

Date: 4 July 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 the Kingdom of Belgium to provide its views for the
purposes of the review of Aimé Kilolo Musamba's and Jean-Jacques Mangenda's
detention pursuant to article 60(3) of the Statute**

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 the Victims

Legal Representatives of the 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

Competent authorities of the Kingdom of Belgium

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel, Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

Patrick Craig

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, Fidele Babala Wandu and Narcisse Arido” issued on 20 November 2013¹;

NOTING the “Decision on the ‘Demande de mise en liberté provisoire de Maître Aimé Kilolo Musamba’” dated 14 March 2014 (“14 March 2014 Decision”)², rejecting Mr Kilolo’s request for interim release pursuant to article 60(2) of the Statute;

NOTING the “Decision on the ‘Requête de mise en liberté’ submitted by the Defence for Jean-Jacques Mangenda” dated 17 March 2014 (“17 March 2014 Decision”)³, rejecting Mr Mangenda’s request for interim release pursuant to article 60(2) of the Statute;

NOTING the “Décision sur la ‘Requête en vue d'adresser à l'Etat belge une demande de coopération relative à la recherche d'un Etat d'accueil permettant la mise en œuvre éventuelle de la liberté provisoire de M. Aimé Kilolo Musamba’” dated 6 June 2014⁴;

NOTING the “Order requesting observations for the purposes of the periodic review of the state of detention of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo and Fidèle Babala Wandu pursuant to rule 118(2) of the Rules of Procedure and Evidence” dated 13 June 2014⁵;

NOTING the “Observations en application de la décision ICC-01/05-01/13-495 13-06-2014 quant à la détention préventive – demande de mise en liberté, en ordre

¹ ICC-01/05-01/13-1-Red2-tENG.

² ICC-01/05-01/13-259.

³ ICC-01/05-01/13-261.

⁴ ICC-01/05-01/13-466-Conf-Exp.

⁵ ICC-01/05-01/13-495.

subsidaire demande de mise en liberté provisoire” submitted by the Defence for Mr Mangenda on 30 June 2014 (“Mr Mangenda’s Observations”)⁶ ;

NOTING the “Defence Observations on the Continued Detention of Aimé Kilolo Musamba pursuant to ICC-01/05-01/13-495” dated 30 June 2014 (“Mr Kilolo’s Observations”)⁷;

NOTING articles 21, 58(1), 60(3) and 67(1) of the Statute, rules 118(1), (2) and (3), 119(1) of the Rules of Procedure and Evidence;

NOTING that both Jean-Jacques Mangenda Kabongo and Aimé Kilolo Musamba (i) mention the agreement between the Court and the Government of the Kingdom of Belgium on the interim release of detainees on the Belgian territory pursuant to decisions of the Chambers of the Court (“Agreement”), the entry into force of which on 10 April 2014 was announced on the website of the Court on the same day⁸, and (ii) request to be conditionally released on the territory of Belgium;

CONSIDERING that, for the Single Judge to be able to adequately assess the relevance of the Agreement for the purposes of the review under article 60(3) of the Statute, as well as to decide on Mr Mangenda’s and Mr Kilolo’s requests for conditional release, it is necessary that the Chamber be provided with the text of the Agreement, as well as with the views of the competent authorities of the Kingdom of Belgium;

FOR THESE REASONS, THE SINGLE JUDGE

ORDERS the Registrar to file the text of the Agreement in the record of the case, on a confidential *ex parte* Registrar basis and as soon as practicable;

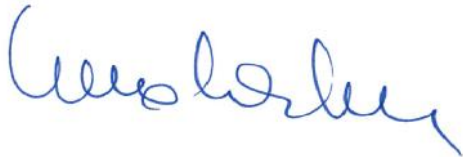
⁶ ICC-01/05-01/13-523 and Annex A thereto.

⁷ ICC-01/05-01/13-528-Conf-Exp and confidential *ex parte* Annexes A to F thereto.

⁸ ICC-CPI-20140410-PR993.

DECIDES that the relevant authorities of the Kingdom of Belgium shall submit their views on Mr Mangenda's and Mr Kilolo's Observations no later than **Friday 25 July 2014**.

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



Judge Cuno Tarfusser

Single Judge

Dated this Friday, 4 July 2014

The Hague, The Netherlands