

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 August 2014

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
 Judge Sang-Hyun Song
 Judge Erkki Kourula
 Judge Anita Ušacka
 Judge Akua Kuenyehia

**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

**Notice of Appeal against the decision of the Single Judge ICC-01/05-01/13-611
 entitled "Decision on the first review of Aimé Kilolo Musamba's detention
 pursuant to article 60(3) of the Statute"**

Source: Defence for Mr Aimé Kilolo Musamba

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Kweku Vanderpuye

Counsel for Aimé Kilolo Musamba

Mr Ghislain Mabanga

Counsel for Jean-Pierre Bemba Gombo

Mr Nicholas Kaufman

Counsel for Jean-Jacques Mangenda Kabongo

Mr Jean Flamme

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Göran Sluiter

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

I. INTRODUCTION

1. *Purpose*: This notice of Appeal (“Appeal”) is hereby submitted by the Defence of Mr Aimé Kilolo Musamba (“Kilolo Defence” and “Mr Kilolo” respectively) to the Appeals Chamber of this Court pursuant to Article 82(1)(b) of the Rome Statute (“Statute”), Rule 154 of the Rules of Procedure and Evidence (“RPE”) and Regulation 33(1) of the Regulations of the Court (“RoC”), hereby notifying the Appeals Chamber of its appeal against the “Decision on the first review of Aimé Kilolo Musamba’s detention pursuant to article 60(3) of the Statute”¹, rendered by the Single Judge on 5 August 2014.

II. APPLICABLE LAW

1. Article 60(3) of the Statute mandates that the Pre-Trial Chamber shall periodically review its ruling on the release or detention of the person who has surrendered to the Court. Upon such review, the Pre-Trial Chamber may either reaffirm its prior ruling or modify its ruling as to detention, release or conditions of release, if satisfied that changed circumstances so require.
2. Article 82(1)(b) of the Statute provides for the right of appeal against such decision. Specifically, the Article stipulates that either party may, in accordance with the RPE, appeal a decision granting or denying the release of the person being investigated or prosecuted.
3. Rule 154 requires that an Article 82(b) appeal be filed within five days of the date upon which the party filing the appeal is notified of the decision. Rule 150(3) and (4), implicated by reference in Rule 154, further require that the appeal be filed

¹ ICC-01/05-01/13-611.

with the Registrar and in accordance with the rules set forth in sub-rules 1 to 3 of Rule 150.

4. Regulation 64(1) provides further instruction for Rule 154 appeals, indicating that such appeals must state:
 - a. The name and number of the case or situation;
 - b. The title and date of the decision being appealed;
 - c. The specific provision of the Statute pursuant to which the appeal is filed;
 - d. The relief sought.
5. Finally, a document in support of the appeal shall be filed by the appellant within seven days of the relevant decision.²

III. THE PRESENT APPEAL CONFORMS WITH THE RELEVANT RULES AND REGULATIONS

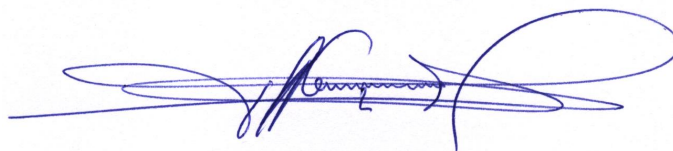
6. The present Appeal is lodged in case ICC-01/05-01/13, *Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, presently before Pre-Trial Chamber II.
7. The Appeal is filed against the decision of the Single Judge in “Decision on the first review of Aimé Kilolo Musamba’s detention pursuant to article 60(3) of the Statute” (ICC-01/05-01/13-611), rendered on 5 August 2013, and which denied Mr Kilolo’s request for interim release under Article 60(3).

² Regulations of the Court, Regulation 64(5).

8. Article 82(1)(b) of the Rome Statute specifically affords either party the ability to appeal a decision granting or denying release of the person being investigated or prosecuted.
9. As the Single Judge's decision of 5 August 2014 relates directly to a decision on Mr Kilolo's release, Article 81(1)(b) attaches and affords Mr Kilolo the ability to appeal.
10. The Kilolo Defence shall file a document in support of the appeal no later than 12 August 2014, in accordance with Regulation 64(5). The document in support of the appeal shall set forth in detail the arguments of Mr Kilolo against the decision of the Single Judge.

IV. RELIEF REQUESTED

11. The Defence for Mr Kilolo respectfully requests the Appeals Chamber to:
 - Reverse in its entirety the decision of the Single Judge in ICC-01/05-01/13-611 and grant Mr Kilolo's immediate release.



Ghislain M. Mabanga

Lead Counsel for Mr. Aimé Kilolo Musamba

Dated this 8 August 2014,

At The Hague, The Netherlands