

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date of the redacted version:

15 December 2014

Date of the original:

19 December 2013

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

Public redacted version of « Decision on the “Requête de monsieur Fidèle Babala Wandu en main levée partielle de la saisie” dated 18 December 2013 »

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

Florence Darques Lane

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Paul Djunga Mudimbi

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 “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 2013;

NOTING the urgent “Requête de monsieur Fidèle Babala Wandu en main levée partielle de la saisie” dated 18 December 2013 (“Mr Babala’s Request”), whereby the Defence for Mr Babala:

- (I) submits (i) that “dans le cadre de ses enquêtes, le Procureur a procédé à la saisie des deux comptes du requérant, respectivement auprès de [REDACTED]”; (ii) that he provides for the maintenance of his family “par la rémunération qu’il perçoit, [REDACTED]” and (iii) that “le compte de [REDACTED] est alimenté essentiellement par [REDACTED]” and
- (II) accordingly, requests (i) the lifting of the seizure on the [REDACTED] “pour que sa famille ait accès à [REDACTED] et s’en serve pour vivre” and (ii) the granting to the Prosecutor and any other party wishing to respond to Mr Babala’s Request a shorter time-limit than the one provided for in regulation 34(b) of the Regulations of the Court;¹

NOTING articles 57(3)(e), 67, 93(1)(k) and (l), 96 and 97 of the Statute;

CONSIDERING that the formulation of Mr Babala’s Request, to the effect that “the Prosecutor” would have proceeded, “in the context of his investigation”, to the seizure of [REDACTED] pertaining to Mr Babala held at [REDACTED], is by

¹ ICC-01/05-01/13-52-Conf.

far too vague and ambiguous for the Single Judge not only to precisely determine the authority having proceeded to the seizure(s) referred to in Mr Babala's Request, but also to precisely identify the relevant [REDACTED];

CONSIDERING further that Mr Babala's Request fails to provide any specific information as to the needs and amount of the expenses allegedly incurred for the purposes of supporting Mr Babala's family;

CONSIDERING further that, at this stage, the Single Judge has not been submitted any information as to Mr Babala's financial situation, either as to the identification of assets pertaining to him or as to the extent to which such assets have been seized by the authorities of the Democratic Republic of the Congo pursuant to the Court's request for cooperation dated 20 November 2013;

CONSIDERING that, for the Single Judge to be able to take an informed decision, it is necessary that further information be gathered, through the Registry, in particular as to the nature and the extent of the seizures executed on assets pertaining to Mr Babala, if any;

CONSIDERING that no meaningful response could be submitted to a request so vague in content as Mr Babala's request and that, accordingly, for the purposes of deciding whether it is appropriate to shorten the time-limits provided for the submission of responses by the other parties, it is necessary that a properly substantiated request be made;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

DECIDES that a decision on Mr Babala's Request will only be made if and when

- (i) detailed information as to the subject matter of Mr Babala's Request, including for the purposes of identifying the relevant [REDACTED], as well as
- (ii) specific, detailed information as to the nature and amount of the expenses arising in connection with the needs of Mr Babala's family will be submitted, provided such submissions are properly substantiated;

ORDERS the Registrar to request the authorities of the Democratic Republic of the Congo to provide detailed information as to the assets which they have identified as pertaining to Mr Babala, if any, as well as to the extent to which any of these assets have been seized in execution of the warrant and the request for cooperation;

ORDERS the Registrar to report, as soon as practicable, on the outcome of the request to the authorities of the Democratic Republic of the Congo made pursuant to this decision;

DISMISSES the request to shorten the time-limit for the responses to Mr Babala's Request.

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



Judge Cuno Tarfusser
Single Judge

Dated this Monday, 15 December 2014

The Hague, The Netherlands