

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 August 2015

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

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***

Confidential

**Decision on Babala Defence Request for an Interpretation of the 'Decision
Regarding Interim Release'**

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 Jean-Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda Kabongo

Mr Christopher Gosnell

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Charles Achaleke Taku

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

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

Trial Chamber VII (the 'Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, having regard to Article 64 of the Rome Statute (the 'Statute'), issues the following 'Decision on Babala Defence Request for an Interpretation of the 'Decision Regarding Interim Release''.

1. On 17 August 2015, the Chamber rendered its 'Decision Regarding Interim Release' (the 'Decision').¹ In that Decision, the Chamber decided on the continued release of four of the accused in this case, albeit subject to some conditions. Among those conditions, the Chamber ordered that the accused shall not 'contact any Prosecution witness in this case or [the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*], either directly or indirectly, except through counsel authorised to represent them before this Court'.²
2. On 19 August 2015, the defence for Mr Babala (the 'Babala Defence') filed a request for an interpretation of the Decision (the 'Request').³ In its Request, the Babala Defence seeks clarification from the Chamber in relation to the aforesaid condition, particularly as regards Prosecution witness P-0272, who has been Mr Babala's chauffeur for ten years.⁴ The Babala Defence states that in light of the Decision, Mr Babala may be liable to pay his chauffeur for abusive termination of his work contract.⁵ It also submits that Mr Babala has never obstructed the

¹ ICC-01/05-01/13-1151.

² ICC-01/05-01/13-1151, para. 28 (iv).

³ ADDENDUM à la Requête URGENTE de la Défense de M. Fidèle Babala en interprétation de la « Decision Regarding Interim Release » (ICC-01-05-01/13-1151), ICC-01/05-01/13-1160-Conf+Conf-Anx; Requête URGENTE de la Défense de M. Fidèle Babala en interprétation de la « Decision Regarding Interim Release » (ICC-01-05-01/13-1151), 19 August 2015, ICC-01/05-01/13-1159-Conf. The addendum is identical to the original request, but for additional legal submissions. This information was available at the time of the original request, and it is inappropriate to supplement requests after they are made in this manner. Pursuant to Regulation 35 of the Regulations of the Court, the Chamber reduced the deadline for responses to the Request by 12.00 on 21 August 2015. See e-mail from Trial Chamber VII Communications to counsel on 20 August 2015 at 11:33. The Chamber notes that no responses were filed.

⁴ ICC-01/05-01/13-1160-Conf, paras 7 and 10.

⁵ ICC-01/05-01/13-1160-Conf, para. 15.

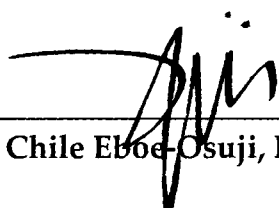
on-going criminal procedures and that, in spite their work relation, P-0272 has cooperated with the Prosecution.⁶

3. The Chamber notes that the work relationship of P-0272 with Mr Babala was sufficiently argued by the Babala Defence when the aforesaid condition to the accused release was litigated in the context of the Decision.⁷ The Babala Defence present submissions which are therefore a mere repetition of issues that were litigated by the parties and considered by the Chamber when it decided, among other conditions, that the accused shall not contact any Prosecution witness in this case. The Chamber therefore considers that no further interpretation or clarification is warranted.

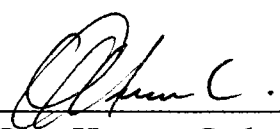
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

REJECTS the Request.

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



Judge Chile Eboe-Osuji, Presiding



Judge Olga Herrera Carbuccion



Judge Bertram Schmitt

Dated 21 August 2015

At The Hague, The Netherlands

⁶ ICC-01/05-01/13-1160-Conf, para. 16.

⁷ Réponse de la Défense de M. Fidèle Babala à « Prosecution's Observations on the Accused's detention » (ICC-01/05-01/13-1044-Conf), ICC-01/05-01/13-1058-Conf, para. 53.