

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 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 on “Narcisse Arido’s request for leave to reply to the ‘Prosecution’s Response to Arido’s request for Interim Release’”

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

**The Office of Public Counsel for
Victims**

The Office of Public Counsel for the Defence

States Representatives

REGISTRY

Registrar

Herman von Hebel

Detention Section

Patrick Craig

I, Judge Cuno Tarfusser, having been designated as Single Judge of Pre-Trial Chamber II (“Chamber”) of the International Criminal Court;

NOTING “Narcisse Arido’s Request for interim release” dated 10 June 2014¹;

NOTING the “Prosecution response to Arido’s request for interim release” dated 30 June 2014 (“Prosecutor’s Response”)²;

NOTING “Narcisse Arido’s request for leave to reply to the “Prosecution’s Response to Arido’s request for Interim Release” dated 4 July 2014 (“Mr Arido’s Request”);³

NOTING regulation 24(5) of the Regulations of the Court (the “Regulations”), according to which “participants may only reply to a response with the leave of the Chamber”;

CONSIDERING that in order to be granted leave to file a reply, a party needs to demonstrate that good cause exists, in particular when one or more issues arising from the response could not have been anticipated in its initial submissions or when it would be beneficial for the Chamber to receive further submissions prior to its disposal of the matter under consideration;

CONSIDERING that Mr Arido’s Request seeks authorisation to reply on a limited number of precisely identified issues of a factual nature, as set forth in letters a to d of its paragraph 10;

CONSIDERING that the information which Mr Arido might provide in respect of those issues might assist the Chamber in its determinations for the purposes of Mr Arido’s request for interim release;

CONSIDERING that, accordingly, the Defence has demonstrated the existence of good cause to obtain authorisation to file the sought reply;

¹ ICC-01/05-01/13-477-Red.

² ICC-01/05-01/13-525-Conf.

³ ICC-01/05-01/13-535-Conf.

CONSIDERING that Mr Arido requests to be granted a time limit of 10 days starting from the notification of the decision granting leave to reply;

NOTING article 67 of the Statute, rules 15, 43, 81 and 121 of the Rules of Procedure and Evidence ("Rules"), regulation 23bis of the Regulations of the Court ("Regulations") and regulation 25 of the Regulations of the Registry;

CONSIDERING that both the Prosecutor's Response and Mr Arido's Request have been filed as confidential and that the paramount principle of the publicity of the proceedings requires that a public redacted version exist for confidential filings;

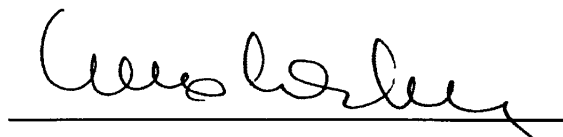
FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS Mr Arido's Request and **DECIDES** that the 10-day time limit for the filing of the reply shall run from the notification of this decision;

ORDERS the Prosecutor to file a public redacted version of her Response;

ORDERS the Defence for Mr Arido to file a public redacted version of its Request, as well as of its Reply, in case this is filed as confidential.

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



Judge Cuno Tarfusser
Single Judge

Dated this Monday, 7 July 2014

The Hague, The Netherlands