Cour
Pénale
Internationale

International
Criminal
Court

Original: **English**

No.: **ICC-01/05-01/13**
Date of the original: **4 November 2014**
Date of the redacted version: **1 December 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

Public redacted version of "Decision on the 'Requête de la Défense de M. Aimé Kilolo Musamba visant une décision urgente relative à la mainlevée sur le gel de ses avoirs'" dated 4 November 2014, ICC-01/05-01/13-743-Conf-Exp

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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 Vanderpuy

Counsel for Jean-Pierre Bemba Gombo
Nicholas Kaufman

Counsel for Aimé Kilolo Musamba
Paul Djunga

Counsel for Jean-Jacques Mangenda Kabongo
Jeanne 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

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

NOTING the "Registry's transmission of a report from the Kingdom of Belgium concerning the freezing of assets belonging to Mr. Aimé Kilolo Musamba" dated 5 February 2014 ("Registry's Report")[1];

NOTING the "Requête aux fins de levée du gel des avoirs de M. Aimé Kilolo Musamba" dated 24 April 2014 ("Mr Kilolo's First Request")[2];

NOTING the "Decision on the 'Rêquete aux fins de levée du gel des avoirs de M. Aimé Kilolo Musamba'" dated 20 May 2014[3];

NOTING the "Rêquete en vue de notifier à l'Etat Belge la mainlevée du gel sur les avoirs de M. Aimé Kilolo Musamba" dated 10 June 2014 ("Mr Kilolo's Second Request")[4];

NOTING the "Decision on the 'Requête en vue de notifier à l'Etat Belge la mainlevée du gel sur les avoirs de M. Aimé Kilolo Musamba'" dated 12 June 2014[5], requesting the competent authorities of the Kingdom of Belgium to submit clarifications on Mr Kilolo's Second Request;

NOTING the "Transmission of the observations submitted by the Belgium authorities on the 'Rêquete en vue de notifier à l'Etat Belge la mainlevée du gel sur les avoirs de M. Aimé Kilolo Musamba'" dated 7 July 2014 ("Observations of the Belgian Authorities")[6], whereby the Belgian Authorities informed, *inter alia*,

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[1] ICC-01/05-01/13-152-Conf-Exp and Annexes thereto.
[2] ICC-01/05-01/13-359-Conf-Exp.
[3] ICC-01/05-01/13-411-Conf-Exp.
[4] ICC-01/05-01/13-476-Conf-Exp.
[5] ICC-01/05-01/13-489-Conf-Exp.
[6] ICC-01/05-01/13-544-Conf-Exp and Annexes 1 and 2 thereto.

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that the bank accounts held by Belgian bank [REDACTED] under Aimé Kilolo's name [REDACTED] are still under seizure;

NOTING the "Decision requesting the cooperation of the Belgian authorities as regards Mr Kilolo's seized bank accounts" dated 10 July 2014[7] ("Third Decision"), whereby the Single Judge, in order to decide on Mr Kilolo's First Request, *inter alia* requested "the competent authorities of the Kingdom of Belgium to provide a detailed statement of account relating to [REDACTED] bank account [REDACTED] in the name of Aimé Kilolo Musamba, showing all the movements occurred thereon from the day of its seizure";

NOTING the "Requête de la Défense de M. Aimé Kilolo Musamba visant une décision urgente relative à la mainlevée sur le gel de ses avoirs" dated 28 August 2014 ("Third Request")[8];

NOTING articles 57(3)(e), 70(3) and 77(2)(a) of the Statute, rules 21(5) and 146 of the Rules of Procedure and Evidence ("Rules") and regulation 83 of the Regulations of the Court ("Regulations");

CONSIDERING that, pursuant to article 70 of the Statute, the statutory penalties provided for offences against the administration of justice are imprisonment *and/or* a fine, the amount of which, according to rule 146 of the Rules, shall be decided taking into consideration "the damage and injuries caused";

CONSIDERING furthermore that Mr Kilolo has been granted legal assistance pursuant to regulation 83 of the Regulations;

CONSIDERING that the seizure of Mr Kilolo's assets might also prove instrumental to enabling the Court to recover the costs of his legal assistance,

[7] ICC-01/05-01/13-552-Conf-Exp.
[8] ICC-01/05-01/13-653-Conf-Exp and Annex A thereto.

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should he be subsequently found not to be eligible for it pursuant to rule 21(5) of the Rules;

CONSIDERING that, accordingly, it is necessary that Mr Kilolo's assets remain seized, with a view not to making it unfeasible for the Court to recover any amount which might be due by Mr Kilolo;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

REJECTS Mr Kilolo's Third Request.

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

Judge Cuno Tarfusser
Single Judge

Dated this Monday, 1 December 2014
The Hague, The Netherlands

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