



Original: **English**

No.: **ICC-01/05-01/13**
Date: **30 January 2015**

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Sanji Mmasenono Monageng, First Vice-President
Judge Cuno Tarfusser, Second Vice-President

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 constituting Trial Chamber VII and referring to it the case of
The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques
Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido

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

Melinda Taylor

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 Representative of the Victims**Legal Representative of the 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**

Herman von Hebel

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations Section****Other**

Pre-Trial Chamber II

THE PRESIDENCY of the International Criminal Court (“Court”);

NOTING the decision of Pre-Trial Chamber II dated 11 November 2014 which, *inter alia*, confirmed, pursuant to article 61(7)(a) of the Rome Statute of the International Criminal Court (“Statute”), the charges presented by the Prosecutor against Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido to the extent specified in pages 47-54 of that decision, and committed the Defendants for trial on the charges as confirmed (“Decision Confirming the Charges”);¹

NOTING the request by each Defendant for leave to appeal the Decision Confirming the Charges;²

CONSIDERING the decision of Pre-Trial Chamber II dated 23 January 2015 rejecting each Defendant’s request for leave to appeal the Decision Confirming the Charges, thereby concluding the proceedings in the case before that Chamber, and ordering the Registrar to transmit the Decision Confirming the Charges and the record of the proceedings to the Presidency for the purpose of constituting a Trial Chamber pursuant to article 61(11) of the Statute;³

CONSIDERING article 61(11) of the Statute, pursuant to which the Presidency shall constitute a Trial Chamber once the charges have been confirmed, which shall be responsible for the conduct of subsequent proceedings;

CONSIDERING rule 130 of the Rules of Procedure and Evidence (“Rules”), pursuant to which the Presidency shall refer the case to a Trial Chamber and transmit to it the Decision Confirming the Charges and the records of the proceedings of the Pre-Trial Chamber;

¹Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute, 11 Nov. 2014, ICC-01/05-01/13-749.

² Narcisse Arido’s Request for Leave to Appeal the ‘Decision pursuant to Article 61 (7) (a) and (b) of the Rome Statute’ (ICC-01/05-01/13-749), 1 Dec. 2014, ICC-01/05-01/13-772; Requête de la Défense de M. Aimé Kilolo Musamba aux fins d’obtenir autorisation d’interjeter appel contre la Décision (ICC-01/05-01/13-749 du 11-11-2014) de la Chambre Préliminaire II portant sur la confirmation des charges. Article 82-1-d du Statut de Rome, 28 Nov. 2014, ICC-01/05-01/13-771; Demande d’autorisation d’appel de la Défense de monsieur Fidèle Babala Wandu contre la ‘Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute’ rendue par la Chambre Préliminaire II en date du 11 novembre 2014 (ICC-01/05-01/13-749), 27 Nov. 2014, ICC-01/05-01/13-769; Defence request for leave to appeal decision ICC-01/05-01/13-749, 26 Nov. 2014, ICC-01/05-01/13-768; Requête d’autorisation d’appel de la décision ICC-01/05-01/13-749 11-11-2014 de la Chambre préliminaire II quant à la confirmation des charges – art. 82.1(d) du Statut de Rome”, 14 Nov. 2014, ICC-01/05-01/13-755.

³ Joint decision on the applications for leave to appeal the “Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute”, 23 Jan. 2015, ICC-01/05-01/13-801.

CONSIDERING that the record of the proceedings before Pre-Trial Chamber II and the Decision Confirming the Charges were transmitted to the Presidency, by the Registrar, on 27 January 2015, in accordance with rule 129 of the Rules;⁴

HEREBY CONSTITUTES Trial Chamber VII with immediate effect as follows:

Trial Chamber VII

Judge Olga Herrera Carbuccion

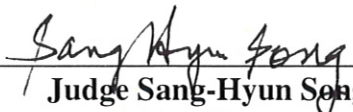
Judge Robert Fremr

Judge Chile Eboe-Osuji

HEREBY REFERS the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* to Trial Chamber VII;

HEREBY TRANSMITS the full record of the proceedings before Pre-Trial Chamber II to Trial Chamber VII, including the Decision Confirming the Charges.

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



Judge Sang-Hyun Song
President

Dated this 30 January 2015

At The Hague, The Netherlands

⁴ Transmission to the Presidency of the full record of the proceedings, including the Decision on the Confirmation of Charges, 27 Jan. 2015, ICC-01/05-01/13-803.