

**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**

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**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').<sup>1</sup> 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'.<sup>2</sup>
2. On 19 August 2015, the defence for Mr Babala (the 'Babala Defence') filed a request for an interpretation of the Decision (the 'Request').<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> It also submits that Mr Babala has never obstructed the

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<sup>1</sup> ICC-01/05-01/13-1151.

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

<sup>3</sup> 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.

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

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

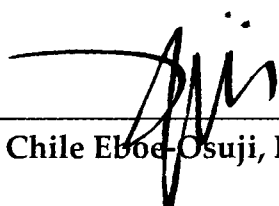
on-going criminal procedures and that, in spite their work relation, P-0272 has cooperated with the Prosecution.<sup>6</sup>

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.<sup>7</sup> 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.

  
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Judge Chile Eboe-Osuji, Presiding

  
\_\_\_\_\_  
Judge Olga Herrera Carbuccion

  
\_\_\_\_\_  
Judge Bertram Schmitt

Dated 21 August 2015

At The Hague, The Netherlands

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

<sup>7</sup> 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.