



Original: **English**

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

Date: **2 October 2015**

**THE PRESIDENCY**

**Before:** Judge Silvia Fernández de Gurmendi, President  
Judge Joyce Aluoch, First Vice-President  
Judge Kuniko Ozaki, 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 referring the “Request for Compensation for Unlawful Detention” to  
Trial Chamber VI**

**Decision 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-Jacques Mangenda****Kabongo**

Mr Christopher Gosnell

**Counsel for Jean-Pierre Bemba Gombo**

Ms Melinda Taylor

**Counsel for Aimé Kilolo Musamba**

Mr Paul Djunga Mudimbi

**Counsel for Fidèle Babala Wandu**

Mr Jean-Pierre Kilenda Kakengi Basila

**Counsel for Narcisse Arido**

Mr Charles Achaleke Taku

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Other**

Trial Chamber VI

THE PRESIDENCY of the International Criminal Court notes that on 21 April 2015, the Defence for Mr Jean-Jacques Mangenda Kabongo filed its “Request for Compensation for Unlawful Detention” (“Request for Compensation”) in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* (“*Bemba et al.*”).<sup>1</sup>

The Presidency recalls article 85 of the Rome Statute of the International Criminal Court (“Statute”) and rules 173-174 of the Rules of Procedure and Evidence (“Rules”).

On 5 May 2015, Judge Joyce Aluoch and Judge Kuniko Ozaki, First and Second Vice-President respectively, referring to the Request for Compensation, submitted a joint request to be excused, pursuant to article 41(1) of the Statute and rule 33(1) of the Rules, from exercising their functions as judges with respect to all pending and future proceedings in *Bemba et al.* (“Request for Excusal”).<sup>2</sup>

On 19 May 2015, the Request for Excusal was denied (Annex I).

The Presidency hereby refers the Request for Compensation to Trial Chamber VI pursuant to rule 173(1) of the Rules, without prejudice to any determination by the Chamber on the admissibility and / or merits of the Request for Compensation.

The Presidency notes the classification of the Request for Compensation as confidential. The Presidency shall make public this decision, noting that the Defence for Mr Mangenda has expressed its consent.<sup>3</sup>

The Presidency orders the Registrar to file and notify this decision to the relevant parties and participants in *Bemba et al.*


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<sup>1</sup> ICC-01/05-01/13-921-Conf (“Request for Compensation”).

<sup>2</sup> Request for excusal from all pending and future proceedings in *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, 2015/PRES/00161-01.

<sup>3</sup> Request for Compensation, *supra* note 1, p. 3, fn 1.

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



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**Judge Silvia Fernández de Gurmendi**  
**President**

Dated this 2 October 2015

At The Hague, The Netherlands