

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/05-01/13**  
Date: **16 October 2015**

**TRIAL CHAMBER VII**

**Before: Judge Bertram Schmitt, 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 Babala Defence Request to Visit Detainees**

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**

**Others**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

Mr Patrick Craig

**Victims Participation and Reparations Section**

**Judge Bertram Schmitt**, acting as Single Judge on behalf of Trial Chamber VII ('Single Judge' and 'Chamber', respectively) 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 66 of the Rome Statute ('Statute'), Regulations 100 and 101 of the Regulations of the Court and Regulations 177 to 185 and 216 *bis* to 222 of the Regulations of the Registry ('Registry Regulations'), issues the following 'Decision on Babala Defence Request to Visit Detainees'.

1. On 13 October 2015, the defence team for Fidèle Babala Wandu ('Babala Defence') filed a submission ('Request') requesting that the Chamber: (i) declare that there is no general and automatic ban on Mr Babala visiting detainees in the detention centre and (ii) order the Chief Custody Officer to authorise visits between Mr Babala and Jean-Pierre Bemba Gombo, Thomas Lubanga, Germain Katanga, Charles Blé Goudé and Laurent Gbagbo.<sup>1</sup> The Babala Defence submits that it requested to visit detainees on several occasions but that the Chief Custody Officer of the Detention Unit denied authorisation of these visits.<sup>2</sup>
2. Regulation 180(4) of the Registry Regulations gives the **detained person** standing to file a complaint when his/her visits have been denied.<sup>3</sup> The statutory scheme does not give a **visitor** standing to challenge a decision of the Chief Custody Officer denying authorisation for a visit. The Single Judge does not consider that Mr Babala has standing to challenge the Chief Custody Officer's decision. Equally, Article 66 of the Statute in this context is irrelevant, as Mr Babala's right to be presumed innocent is not affected by the decision of the Chief Custody Officer.

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<sup>1</sup> Requête de la Défense de M. Fidèle Babala Wandu sollicitant de la Chambre d'enjoindre au Chef du Quartier pénitentiaire de permettre à M. Babala de rendre visite à ses amis au Centre de détention de la Cour pénale internationale à Scheveningen, ICC-01/05-01/13-1366 (notified 14 October 2015; with confidential annex).

<sup>2</sup> Annex of the Request, ICC-01/05-01/13-1366-Conf-Anx.

<sup>3</sup> Such complaints are governed by the procedure set out in Chapter 5, Section 5 of the Registry Regulations.

**FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY**

**DISMISSES** the Request *in limine*.

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

A handwritten signature in black ink, appearing to read 'Schmitt', is written over a horizontal line.

**Judge Bertram Schmitt, Single Judge**

Dated 16 October 2015

At The Hague, The Netherlands