

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 6 June 2014

Date of public redacted version: 06 January 2017

**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 redacted version of  
Decision on the “Requête de monsieur Fidèle Babala Wandu en main levée  
partielle de la saisie ”

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**

Nicholas Kaufman

**Counsel for Aimé Kilolo Musamba**

Ghislain Mabanga

**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 Representatives of  
Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**States Representatives**

**REGISTRY**

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**Registrar**

Herman von Hebel

**Detention Section**

**Victims and Witnesses Unit**

**Others**

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

**NOTING** the “Requête de monsieur Fidèle Babala Wandu en main levée partielle de la saisie”<sup>1</sup> submitted on 18 December 2013, whereby the Defence for Fidèle Babala Wandu requests the release from seizure of the ██████████ bank account “pour que sa famille ait accès à ses salaires versés par l’Assemblée Nationale et s’en serve pour vivre” (“Mr Babala’s Request”);

**NOTING** that, in his “Decision on the ‘Requête de monsieur Fidèle Babala Wandu en main levée partielle de la saisie’ dated 18 December 2013”<sup>2</sup>, filed on 19 December 2013, the Single Judge, *inter alia*, (I) decided that a decision on Mr Babala’s Request would have only been made if and when: “(i) detailed information as to the subject matter of Mr Babala’s Request, including for the purposes of identifying the relevant bank accounts, as well as (ii) specific, detailed information as to the nature and amount of the expenses arising in connection with the needs of Mr Babala’s family [would] be submitted”, (II) ordered the Registrar (i) “to request the authorities of the Democratic Republic of the Congo to provide detailed information as to the assets which they have identified as pertaining to Mr Babala, if any, as well as to the extent to which any of these assets have been seized in execution of the warrant and the request for cooperation” and (ii) “to report, as soon as practicable, on the outcome of the request to the authorities of the Democratic Republic of the Congo made pursuant to this decision”;

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<sup>1</sup> ICC-01/05-01/13-52-Conf.

<sup>2</sup> ICC-01/05-01/13-55-Conf.

**NOTING** the “Présentation à la Chambre des informations détaillées relatives à la ‘Requête de monsieur Fidèle Babala Wandu en main levée partielle de la saisie’ en exécution de la Décision ICC-01/05-01/13-55-Conf”<sup>3</sup> ;

**NOTING** the *note verbale* annexed to the “Registry’s transmission of the reply from the Democratic Republic of the Congo concerning the freezing of assets belonging to Mr. Fidèle Babala Wandu”<sup>4</sup>, whereby the competent authorities of the Democratic Republic of the Congo inform that no assets belonging to Mr. Babala have been seized, “étant donné que les différentes banques contactées à cette fin ont répondu soit que l’intéressé n’avait pas de compte en leurs livres, soit que son compte était déjà clôturé”<sup>5</sup>;

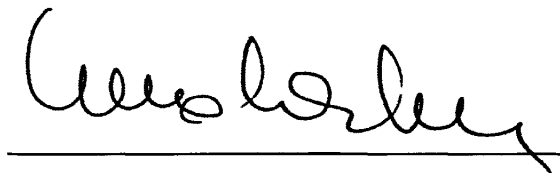
**CONSIDERING** therefore that the Request is moot;

**FOR THESE REASONS, THE SINGLE JUDGE**

**DECIDES** that document ICC-01/05-01/13-397-Conf-Exp and the related Annex shall be reclassified as confidential *ex parte* only available to the Registry, the Office of the Prosecutor and the Defence for Fidèle Babala Wandu;

**DISMISSES** Mr Babala’s Request.

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



**Judge Cuno Tarfusser**

**Single Judge**

Dated this Friday 6 June 2014 at The Hague, The Netherlands

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<sup>3</sup> ICC-01/05-01/13-90-Conf.

<sup>4</sup> ICC-01/05-01/13-397-Conf-Exp.

<sup>5</sup> ICC-01/05-01/13-397-Conf-Exp-Anx1.