

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05

Date of the public redacted
version: **3 February 2014**

Date of the original:
9 October 2013

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

Public redacted version

Decision convening a status conference

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

Jean-Jacques Badibanga

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives 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

**Independent counsel appointed by the
Chamber
[REDACTED]**

REGISTRY

Registrar

Herman von Hebel, Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

I, Judge Cuno Tarfusser, having been designated¹ as Single Judge of Pre-Trial Chamber II (“Chamber”) of the International Criminal Court responsible for addressing and determining the issues arising in connection with the Prosecutor’s “Request for Judicial Assistance to Obtain Evidence for Investigation under Article 70” dated 3 May 2013 (“Prosecutor’s First Request”),² whereby the Prosecutor submitted that her office was investigating potential offences against the administration of justice under article 70 of the Rome Statute (“Statute”) and rule 165 of the Rules of Procedure and Evidence (“Rules”) in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Accused”);

NOTING the “Decision on the Prosecutor’s ‘Request for judicial order to obtain evidence for investigation under Article 70’” dated 29 July 2013,³ whereby the Single Judge *inter alia* appointed [REDACTED] as independent counsel tasked with (a) reviewing the logs of telephone calls either placed or received by Mr Aime Kilolo and Mr Jean-Jacques Mangenda made available by the relevant Belgian and Dutch authorities, with a view to identifying any calls received from or placed parties connected with the investigation; (b) listening to the recordings of any and all such calls; and (c) transmitting to the Prosecutor the relevant portions of any and all such calls which might be of relevance for the purposes of the investigation;

NOTING the status conference held in closed session before the Single Judge on 25 September 2013, during which [REDACTED] provided an update as to the progress of [REDACTED] work;⁴

NOTING the “Rapport intermédiaire du conseil ad hoc”,⁵ whereby [REDACTED] provided additional details as to the results of the activities [REDACTED] carried out before the Dutch judicial authorities in the context of [REDACTED] mandate;

¹ ICC-01/05-45-Conf-Exp.

² ICC-01/05-44-Conf-Exp.

³ ICC-01/05-52-Conf-Exp

⁴ ICC-01/05-T-3-CONF-EXP-ENG.

⁵ ICC-01/05-59-Conf-Exp, with confidential ex parte Annex A.

NOTING the Prosecutor's "Third request for judicial order to obtain evidence for investigation under Article 70" dated 7 October 2013 ("Prosecutor's Third Request"),⁶ whereby the Prosecutor (i) submits being in possession of information showing telephone contacts between Aime Kilolo, Counsel for the Accused, and a number of Defence witnesses, inter alia in violation of protocols established by Trial Chamber III; (ii) argues that, in order to fully investigate the extent of Kilolo's contact with Defence witnesses, she must be able to attribute unknown phone numbers contained in the call data records; and, (iii) accordingly, requests the Chamber to order the Victims and Witnesses Unit ("VWU") to provide the Prosecution with information relating to telephone contact information for Defence Witnesses and additional clarifications, as detailed in paragraph 25 of the Prosecutor's Third Request, with a view to allowing the Prosecutor "to assess the scope of probable unauthorised contact Kilolo has had with Defence witnesses"⁷ ;

NOTING that the Prosecutor also requests that the Single Judge convene a status conference in closed session, with a view to updating him on the progress of her investigation;⁸

CONSIDERING that, in light of the information already submitted by the independent counsel, as well as the seriousness of the allegations contained in the Prosecutor's Third Request, it is appropriate that a status conference be held on an urgent basis prior to the Single Judge's deciding on the Prosecutor's Third Request;

⁶ ICC-01/05-60-Conf-Exp, with confidential, ex parte annexes A and B.

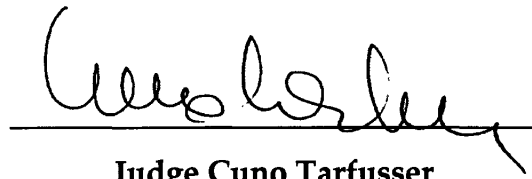
⁷ ICC-01/05-60-Conf-Exp, para 21.

⁸ ICC-01/05-60-Conf-Exp, para 26.

FOR THESE REASONS, THE SINGLE JUDGE

CONVENES a status conference to be held in closed session on Thursday 10 October 2013 at 10:00 hours, in the presence of the Prosecutor and [REDACTED].

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

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

Judge Cuno Tarfusser

Single Judge

Dated this Monday, 3 February 2014

At The Hague, The Netherlands