

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **12 February 2014**

PRE TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

Public Redacted document

With

Under seal, *Ex parte*, Prosecution and Registry Only, Annex A

**Public redacted version of "Request for Application of Temporary Redactions",
22 November 2013, ICC-01/05-71-US-Exp**

Source: The Office of the Prosecutor

Document to be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

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States Representatives

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REGISTRY

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Victims Participation and Reparations Other Section

1. The Prosecution requests the Single Judge, under Rule 81(2) of the Rules of Procedure and Evidence, to approve the proposed temporary redactions to the Arrest Warrants¹ for BEMBA, KILOLO, MANGENDA, and ARIDO.

2. The proposed temporary redactions are necessary to avoid compromising the arrest of BABALA. The Prosecution intends to request the cooperating states of The Netherlands, Belgium, and France to arrest KILOLO, MANGENDA, and ARIDO on [REDACTED]. BEMBA will be informed of the arrest warrant by the Registry around the same time. BABALA's arrest will be executed [REDACTED]. Given the importance of the timing of BABALA's arrest to the overall operation, [REDACTED]. However, the final decision ultimately lies with them.

3. Presently, the sequence of arrests means that there will be a 24 to 48 hour window between the first wave of arrests and BABALA's. This creates a potentially serious obstacle to completing the DRC leg of the operation successfully: once the suspects are arrested and informed of the arrest warrant there, is a high risk that BABALA will be contacted and will take steps to flee and/or to destroy evidence, rendering the search and seizure operation futile. The risk of BABALA absconding can be mitigated by [REDACTED]. However, there is no way of preventing him from destroying evidence in his possession.

4. In light of this, the Prosecution requests that the Single Judge authorize under Rule 81(2) limited temporary redactions to the warrant of arrest to be served on the suspects upon arrest warrant, comprising BABALA's name and other identifying information. The Prosecution believes \ these redactions, coupled with restricting the suspects' abilities to communicate with third parties, will minimize the risks to the arrest operation and the ensuing investigative steps to

¹ ICC-01/05-01/13-1-US-Exp, 20 November 2013.

be taken in the DRC. Once BABALA is arrested the need for the redactions will no longer be present and the redactions should be lifted.

5. The relief sought is approval of the proposed redactions contained in the annexed document.



Fatou Bensouda, Prosecutor

Dated this 12th Day of February 2014

At The Hague, The Netherlands