



Original: English

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

Date: 31 July 2014

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

**Decision on the reclassification, redaction and transmission to Trial Chamber III
of “Mémoire de défense avec les annexes publiques A et B” submitted by the
Defence for Mr Mangenda on 30 July 2014**

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 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

**Other
Trial Chamber III**

REGISTRY

Registrar

Herman von Hebel, Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Other

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

NOTING the “Mémoire de défense avec les annexes publiques A et B” submitted on 30 July 2014 by the Defence for Mr Mangenda as a public document (“Mr Mangenda’s Submissions”)¹;

NOTING article 67(1) of the Statute, regulations 23bis and 42 of the Regulations of the Court and article 8 of the Code of Professional Conduct for counsel,

CONSIDERING that Mr Mangenda’s Submissions make reference to information of a confidential nature pertaining both to this case and to the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Main Case”), including the identity of protected witnesses in the Main Case;

CONSIDERING that this made it necessary for the Chamber to proceed on an urgent basis to reclassify Mr Mangenda’s Submissions and their annexes as confidential;

CONSIDERING it necessary that a public redacted version of Mr Mangenda’s Submissions and of their annexes, from which all information of a confidential nature will have been redacted, be filed in the record;

CONSIDERING that it is the duty of Counsel to ensure full compliance with all the relevant provisions, including his own obligation to duly preserve the confidentiality of documents and information;

CONSIDERING that, accordingly, the preparation and filing of an appropriately redacted version of the Submissions and of their annexes is the exclusive and sole responsibility of Counsel for Mr Mangenda, without prejudice to the consequences which might arise in connection with the violations of the rules on confidentiality

¹ ICC-01/05-01/13-594 and annexes A and B thereto.

which might already have occurred by way of the original filing of the Observations and of their annexes as public documents;

CONSIDERING that, since Mr Mangenda's Submissions also refer to information of a confidential nature pertaining to the Main Case, it is also appropriate that the Submissions and their annexes be transmitted to Trial Chamber III, as the competent Chamber for all issues relating to the Main Case, as a matter of information and with a view to taking any and all measures which it might consider necessary and appropriate;

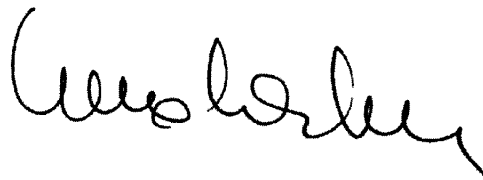
FOR THESE REASONS, THE SINGLE JUDGE

ORDERS the Defence for Mr Mangenda to file in the record of the case the public redacted version of Mr Mangenda's Submissions and of their annexes as soon as practicable;

ORDERS the Registrar to provide the Defence for Mr Mangenda with any and all technical assistance which might be necessary and appropriate for the purposes of the implementation of this decision;

ORDERS the Registrar to transmit Mr Mangenda's Submissions and their annexes to Trial Chamber III.

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



Judge Cuno Tarfusser
Single Judge

Dated this Thursday, 31 July 2014

At The Hague, The Netherlands