

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 10 February 2015

TRIAL CHAMBER VII

Before: Judge Olga Herrera Carbuccion
Judge Robert Fremr
Judge Chile Eboe-Osuji

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
THE PROSECUTOR *v.* JEAN-PIERRE BEMBA GOMBO, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO**

**Confidential Redacted Document
with a Confidential, *EX PARTE*, Annex only available to the Registrar, and
Prosecution**

**Confidential redacted version of "Prosecution's urgent request for measures to
stop the further dissemination of confidential information by Arido", 16 July 2014,
ICC-01/05-01/13-575-Conf-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

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for the Defence of Jean-Pierre Bemba

Melinda Taylor

Counsel for the Defence of Aimé Kilolo Musamba

Paul Djunga Mudimbi

Counsel for the Defence of Jean – Jacques Mangenda Kabongo

Jean Flamme

Counsel for the Defence of Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Counsel for the Defence of Narcisse Arido

Göran Sluiter

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Others Section

I. Introduction

1. Pursuant to Regulation 101(2) of the Regulations of the Court ("RoC"), the Office of the Prosecutor ("Prosecution") requests the Pre-Trial Chamber to impose restrictions on the contact between Suspect Narcisse Arido and any other person, with the exception of counsel, at or from the ICC Detention Centre.

2. As more fully explained below, the immediate implementation of the requested measures is necessary to ensure the confidentiality of disclosed information and the security of Prosecution witnesses ("Request").

II. Confidentiality

3. This Request is classified as "*Confidential* and *Ex Parte*, only available to the Registrar, Prosecution and Arido Defence", as it concerns a matter solely related to the behaviour of Arido. As the Annex contains information concerning the security of a Prosecution witness, it is classified as "*Confidential* and *Ex Parte*, only available to the Registrar and the Prosecution."

III. Submissions

4. On 15 July 2014, at 19:19, [REDACTED] called a Prosecution Investigator [REDACTED], asking that he call him back regarding an "emergency." The investigator returned the call immediately, at 19:20.

5. During the conversation, [REDACTED] explained that earlier that day, he saw [REDACTED] is the one who betrayed [REDACTED] who is detained in The Hague. The attached Investigator's Note at Annex, provides further details on the interaction.

6. The identity of [REDACTED] was disclosed to the Arido Defence on [REDACTED].¹ The documents related to [REDACTED] were disclosed as "confidential".²

7. As a result of the incident, the Prosecution has reasonable grounds to believe that Arido improperly disclosed confidential information [REDACTED] concerning prosecution witnesses including, at least, [REDACTED]'s identity as a witness who implicates him in the present case.

8. Immediate steps are therefore necessary (i) to prevent further dissemination of confidential information by Arido, pursuant to Regulation 101(2)(d) of the RoC; and (ii) to ensure the security of [REDACTED] and other witnesses who are implicated in the case against Arido, pursuant to Regulation 101(2)(f) of the RoC. The requested contact restrictions are necessary especially in light of the nature of the charges brought against Arido.

9. Although the Prosecution defers to the Chamber's determination of the measures necessary to implement the requested contact restrictions, the Prosecution considers the following appropriate, namely that the Registrar be directed to ensure (1) that Arido's telephone conversations, internet activities, correspondence, visits, and other means of communications with individuals other than counsel are actively monitored; and (2) that any other necessary surveillance measures are implemented at the ICC Detention Centre.

10. The Prosecution further requests that any breach of the Pre-Trial Chamber's order be immediately reported to the Pre-Trial Chamber and to the Prosecution.

¹ [REDACTED]

² As indicated in the meta-data of the documents. See also [REDACTED], para. 3; Regulation 14 (b) of the Regulations of the Registry.

IV. Requested Relief

11. For the foregoing reasons, the Prosecution requests, pursuant to Regulation 101(2) of the RoC, that the Pre-Trial Chamber direct the Registrar to immediately implement such measures as are necessary to ensure that Arido refrains from disseminating confidential information to any person (other than counsel) at or from the ICC Detention Centre.



Fatou Bensouda, Prosecutor

Dated this 10th Day of February 2015

At The Hague, The Netherlands