

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 19 August 2015

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

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 Registry Submission on the Forms to be Used for Rule 68(2)(b)
Declarations**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda Kabongo

Mr Christopher Gosnell

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Charles Achaleke Taku

Legal Representatives of Victims

Legal Representatives of 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

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

Trial Chamber VII (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, having regard to Rule 68 of the Rules of Procedure and Evidence (the ‘Rules’), issues the following ‘Decision on Registry Submission on the Forms to be Used for Rule 68(2)(b) Declarations’.

1. On 29 July 2015, the Chamber authorised the Registry Legal Counsel, or anyone delegated by him, to be the person authorised to witness declarations made pursuant to Rule 68(2)(b) of the Rules (‘Rule 68(2)(b) Declarations’).¹
2. On 14 August 2015, the Registry informed the Chamber that it has proposed certain amendments to the Rule 68(2)(b) Declaration form submitted by the Office of the Prosecutor.² This filing followed a Registry email alerting the Chamber to these proposed amendments and seeking the Chamber’s guidance as to the procedure for taking Rule 68(2)(b) Declarations.³
3. The Chamber notes its reasoning in its decision of 29 July 2015, whereby its designation was made ‘without prejudice to the Chamber’s legal interpretation of Rule 68 of the Rules and its applicability in the present case’.⁴ The sufficiency of the Rule 68(2)(b) Declarations ultimately used by the Registry will only be assessed at the point that a request to introduce prior recorded testimony under Rule 68(2)(b) of the Rules is made.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

DECLINES to give any guidance following the information provided by the Registry.

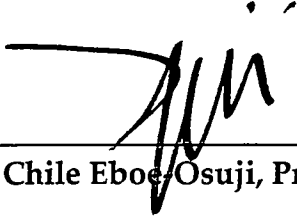
¹ Decision on the Prosecution’s Request to Designate a Person Authorised to Witness a Declaration Under Rule 68(2)(b) of the Rules of Procedure and Evidence, ICC-01/05-01/13-1109.

² Registry submission on the forms to be used for declarations made pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence, ICC-01/05-01/13-1150 (with two annexes; notified 17 August 2015), *commenting on* Annex of Prosecution’s Request to Designate a Person Authorised to Witness a Declaration under Rule 68(2)(b) of the Rules of Procedure and Evidence, 16 June 2015, ICC-01/05-01/13-1011-AnxA.

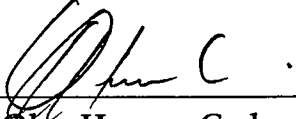
³ Email from the Registry to the Chamber on 13 August 2015 at 14:14.

⁴ ICC-01/05-01/13-1109, para. 6.

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



Judge Chile Eboe-Osuji, Presiding



Judge Olga Herrera Carbuca



Judge Bertram Schmitt

Dated 19 August 2015

At The Hague, The Netherlands