

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 August 2015

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, 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 Babala Request to Contact Prosecution Witnesses

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

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

Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber VII ('Single Judge' and 'Chamber', respectively) 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 Regulation 23 *bis* of the Regulations of the Court ('Regulations'), issues the following 'Decision on the Babala Request to Contact Prosecution Witnesses'.

1. On 24 August 2015, the defence for Mr Babala ('Babala Defence') filed an application to order the Office of the Prosecutor ('Prosecution') to enquire of four of its witnesses whether they agree to provide their contact details to the Babala Defence. Alternatively, it requested that the Chamber order the Victims and Witnesses Unit to obtain the witnesses' consent ('Request').¹
2. On 27 August 2015, the Prosecution filed its response, stating that it had contacted the four witnesses in question and three of them had declined to provide their contact details. For the fourth witness, who had agreed to be contacted by the Babala Defence, the Prosecution states that it had transmitted the contact details to the Babala Defence on 26 August 2015 ('Response').²
3. In light of the above, the Single Judge dismisses the Request as moot. Further, according to Regulation 23 *bis*(3) of the Regulations, the Single Judge hereby instructs the Registry to re-classify the Request and Response as 'public'.

¹ Requête introduite sous le bénéfice de l'urgence par l'équipe de Défense de M. Babala en vue d'obtenir les coordonnées des témoins P-0263, P-0264, P-0270 et P-0020 conformément aux points 3 et 35 du Protocole sur le traitement des informations confidentielles pendant les enquêtes et les contacts entre une partie et les témoins des autres parties du 20 juillet 2015 ainsi qu'aux articles 64(2) et 6(f) du Statut de Rome, ICC-01/05-01/13-1174-Conf, with two confidential annexes.

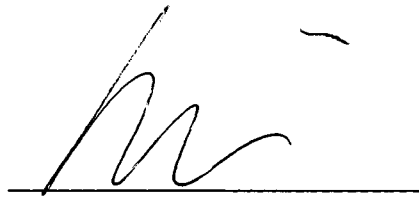
² Prosecution's Response to Babala's Urgent Request Regarding Contact Details of Four Prosecution Witnesses, ICC-01/05-01/13-1190-Conf.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

DISMISSES the Request as moot;

ORDERS the Registry to re-classify the Request and Response as 'public'.

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

A handwritten signature in black ink, consisting of a stylized 'B' followed by a series of loops and a horizontal line at the end.

Judge Bertram Schmitt, Single Judge

Dated 28 August 2015

At The Hague, The Netherlands