

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 3 November 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 Prosecution's Application for Non-Standard Redactions
Related to P-263**

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

Others

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

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 Article 68 of the Rome Statute and Rules 76-77 and 81 of the Rules of Procedure and Evidence, issues the following 'Decision on Prosecution's Application for Non-Standard Redactions Related to P-263'.

1. On 22 October 2015, the Prosecution requested the Chamber to authorise certain limited redactions to two investigator's reports concerning P-263 with a view to protecting the witness' privacy, well-being and safety ('Request').¹
2. On 29 October 2015, the Defence for Mr Kilolo ('Kilolo Defence') responded to the Request.² The Kilolo Defence defers to the Chamber's discretion as to whether redactions 'should be removed or not', but challenges as 'purely speculative' the Prosecution's assertion that P-263 may be subject to 'harm, harassment or abuse by the Accused'.³
3. None of the other defence teams responded to the Request.
4. The Single Judge understands the Kilolo Defence response as not opposing the Request, but rather the Prosecution's argumentation in support of the Request. The Single Judge is of the view that the redactions sought are necessary to reduce the danger involving an objectively identifiable risk to this witness's safety. The redactions are also not prejudicial to the rights of the Defence as the proposed

¹ Prosecution's Application for Non-Standard Redactions, 22 October 2015, ICC-01/05-01/13-1412-Conf-Exp, (with two confidential *ex parte* annexes); a confidential redacted version of the filing was notified 23 October 2015 (ICC-01/05-01/13-1412-Conf-Red). *See also* CAR-OTP-0090-1876; CAR-OTP-0090-2124.

² Kilolo Defence Response to "Confidential Redacted version of 'Prosecution's Application for Non-Standard Redactions'", 22 October 2015, ICC-01/05-01/13-1412-Conf-Exp', ICC-01/05-01/13-1433-Conf (notified 30 October 2015). Responses were due by 16:00 on 29 October 2015, but the Kilolo Defence was granted an extension to midnight of that same day. Email from a Legal Officer of the Chamber to the parties, 29 October 2015 at 15:46; Email from a Legal Officer of the Chamber to the parties, 26 October 2015 at 14:19.

³ ICC-01/05-01/13-1433-Conf, paras 8-9.

redactions are limited, relating to information irrelevant to the material facts of the case and unopposed.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

GRANTS the relief sought in the Request.

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

A handwritten signature in black ink, consisting of stylized, flowing letters, positioned above a horizontal line.

Judge Bertram Schmitt, Single Judge

Dated 3 November 2015

At The Hague, The Netherlands