

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/05-01/13
Date: **27 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
Operational Communications**

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, Rules 76-77 and 81 of the Rules of Procedure and Evidence and Regulation 29 of the Regulations of the Court, issues the following 'Decision on Prosecution's Application for Non-Standard Redactions Related to Operational Communications'.

1. On 20 November 2015, the Office of the Prosecutor ('Prosecution') requested the Chamber to authorise certain limited redactions to email correspondence between the Prosecution and the Registry on the taking of Rule 68(2)(b)(iii) declarations for P-242 and P-243 ('Request').¹ Non-standard redactions are requested to protect the confidentiality of Registry operations.²
2. By 25 November 2015,³ none of the defence teams responded to the Request.
3. The Request is therefore unopposed, and the Single Judge considers that the redactions sought are not prejudicial to the rights of the defence because they are limited and relate to information irrelevant to the material facts of the case.

¹ Confidential redacted version of "Prosecution's Application for Non-Standard Redactions" 20 November 2015, ICC-01/05-01/13-1488-Conf-Exp, 23 November 2015, ICC-01/05-01/13-1488-Conf-Red (with *ex parte* annex showing requested redactions on CAR-OTP-0091-0301). The Prosecution was directed by the Chamber to file a confidential redacted version of the Request by 12:00 on 23 November, but it was filed late at 14:09. *See* Email from a Legal Office of the Chamber to the parties and Registry on 20 November 2015 at 17:58; Email from the Prosecution to the parties, Registry and Chamber on 23 November 2015 at 14:20 (apologising for the late filing). No prejudice is caused by this particular delay, but the Prosecution is reminded to do its utmost to comply with the Chamber's deadlines and, if this is not possible, to seek extensions of time before these deadlines expire.

² Request, ICC-01/05-01/13-1488-Conf-Red, para. 8.

³ The response deadline was shortened to this date. Email from a Legal Office of the Chamber to the parties and Registry on 20 November 2015 at 17:58.

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, appearing to read 'Bertram Schmitt', is written over a horizontal line.

Judge Bertram Schmitt, Single Judge

Dated 27 November 2015

At The Hague, The Netherlands