

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 09/12/2015

TRIAL CHAMBER VII

**Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan**

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***

Confidential

**Response to Requête de la Défense Kilolo visant à obtenir l'autorisation
d'effectuer des expurgations non standards (ICC-01/05-01/13-1505-Conf)**

Source: Defence for Mr. Jean-Pierre Bemba Gombo

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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REGISTRY

Registrar

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Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Other

1. Pursuant to the Trial Chamber's direction of 8 December 2015, the Defence for Mr. Jean-Pierre Bemba files its response to the "Requête de la Défense Kilolo visant à obtenir l'autorisation d'effectuer des expurgations non standards" (the Request).¹
2. The Request centres on factual details which derive from the Main Case, and which are subject to protective measures in that case.
3. In accordance with Regulation 42(1) of the Regulations of the Court, protective measures ordered in one case "shall continue to have full force and effect in relation to any other proceedings before the Court and shall continue after proceedings have been concluded, subject to revision by a Chamber".
4. Regulation 42(3) further specifies that any application to vary the protective measures must be made to the Chamber which issued the order.
5. In line with this provision, Trial Chamber III has confirmed that confidential information from the Main Case cannot be disclosed in the Article 70 case without prior authorisation from Trial Chamber III.
6. It follows then that any information which is subject to protective measures in the Main Case (in particular, witness information which was redacted from the Prosecution or otherwise addressed in an *ex parte* manner) should automatically be redacted from material disclosed in the Article 70 case.
7. Apart from this legal basis, insofar as the information may concerns persons who do not fall within the scope of the Article 70 charges, and who have not and will not be called as witnesses in this case, they should be treated as "innocent third parties". Redactions which thus fall under the Standard Protocol.
8. Similarly, in the absence of a waiver of confidentiality, any discussions or commentary by Defence team members would constitute internal work product, and would be encompassed by Rule 81(1) redactions.

¹ ICC-01/05-01/13-1505-Conf.

9. This response has been filed on a confidential basis due to the level of confidentiality of the Request. It can, however, be reclassified as public with no redactions.



Melinda Taylor
Counsel of Mr. Jean-Pierre Bemba

Dated this ninth day of December 2015

The Hague, The Netherlands