

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/05-01/13

Date: 25 January 2016

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 redacted version

Defence request to be authorised not to identify two potential witnesses

Source: Defence for Aimé Kilolo Musamba

Document 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
Mr Steven Powles

Counsel for Jean-Jacques Kabongo Mangenda

Mr Christopher Gosnell
Mr Arthur Vercken

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila
Mr Roland Azama Shalie Rodoma

Counsel for Narcisse Arido

Mr Charles Achaleke Taku
Ms Beth Lyons

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

1. The Defence for Mr Kilolo has identified two individuals who may be able to provided important information and evidence for the Defence.
2. The first is a [REDACTED] who will give character evidence on behalf of Mr Kilolo. We are unable, however, to publicly identify this individual at this stage. He has explained to us that, for various legal reasons, he first needs to obtain permission from [REDACTED] before he can be identified as a witness in these proceedings.
3. The second is [REDACTED] who may be able to provide important background information and evidence of an expert nature on some of the operational issues surrounding [REDACTED]. Specifically we hope the witness will be able to explain how [REDACTED] may have impacted upon defence preparation and interaction with witnesses. This will provide important context for the events under consideration in this case.
4. This potential witness has made clear to us that we should not identify him as a potential witness without first obtaining the necessary consent from [REDACTED] for him to (i) speak to a party about these issues, and (ii) potentially call him as a witness.
5. We are in the process of trying to expedite the necessary consents so that we might identify these two witnesses to both the Chamber and the parties.
6. We will obviously provide their details and a summary of their evidence as soon as we are in a position to do so.
7. We fully appreciate that this is less than ideal and have tried to ameliorate the impact on the smooth running of the trial proceedings by identifying in our list of witnesses how long we anticipate each witness will be in evidence.

RELIEF SOUGHT

8. We therefore, in all the circumstances, respectfully request that we not be required to identify these two witnesses pending our attempts to resolve these sensitive issues.

RESPECTFULLY SUBMITTED.



Maître Paul Djunga Mudimbi
Lead Counsel of Mr. Aimé Kilolo Musamba



Mr. Steven Powles
Associate Counsel of Mr. Aimé Kilolo Musamba

Dated this 25 January 2016,
At The Hague, The Netherlands