

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 9 February 2016

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 Two Kilolo Defence Requests Related to D21-0003

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*, issues the following 'Decision on Two Kilolo Defence Requests Related to D21-0003'.

1. On 4 February 2016, the defence team for Mr Kilolo ('Kilolo Defence') requested the Chamber to order certain protective measures for D21-0003.¹ As noted by the Kilolo Defence, this witness was granted these same measures in case ICC-01/05-01/08. This order continues to have full force and effect before this Chamber.²
2. That same day, the Kilolo Defence also requested the Chamber to order the Registry to identify a qualified counsel for D21-0003 for the purposes of Rule 74 of the Rules (which governs '[s]elf-incrimination by a witness').³ The Registry has already been directed to make all necessary arrangements to provide independent legal advice in these situations.⁴ No further order is necessary.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

DISMISSES the relief sought by the Kilolo Defence in these two requests as moot.

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



Judge Bertram Schmitt, Single Judge

Dated 9 February 2016

At The Hague, The Netherlands

¹ Soumissions de la défense Kilolo demandant à la Chambre de première instance VII d'ordonner des mesures de protection, ICC-01/05-01/13-1596-Conf (with three confidential *ex parte* annexes).

² Regulation 42 of the Regulations of the Court.

³ Notification de la défense de monsieur Aimé Kilolo suivant la Règle 74 du Règlement de procédure et de preuve, ICC-01/05-01/13-1597-Conf.

⁴ Directions on the conduct of the proceedings, 2 September 2015, ICC-01/05-01/13-1209, paras 18-19.