

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 10 June 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, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

Public Redacted Document

with

Confidential, *EX PARTE*, only available to the Prosecution, Annexes 1 to 14

**Public redacted version of "Prosecution's Application for Non-Standard
Redactions", 8 June 2015, ICC-01/05-01/13-986-Conf-Exp**

Source: The Office of the Prosecutor

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 Sacha Powles

Counsel for Jean-Jacques Mangenda Kabongo

Mr Christopher Michael Gosnell

Mr Arthur Vercken De Vreuschmen

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Azama Shalie Rodoma

Counsel for Narcisse Arido

Mr Charles Achaleke Taku

Ms Beth Lyons

The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
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States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Victims Participation and Reparations Section Others

I. Introduction

1. As ordered by the Trial Chamber VII ("Chamber"),¹ the Office of the Prosecutor ("Prosecution") requests authorisation to apply "non-standard redactions", pursuant to the Protocol Establishing a Redaction Regime.

2. The Prosecution seeks limited redactions to confidential information contained in nine items of evidence. The proposed redactions are necessary to protect the dignity and privacy of witnesses pursuant to articles 54(3)(f) and 68(1) of the Rome Statute ("Statute"), and rule 81(4) of the Rules of Procedure and Evidence ("Rules"). In addition, the Prosecution seeks limited redactions to protect further and ongoing investigations pursuant to rule 81(2) of the Rules in four items of evidence.

3. Granting the Request will strike the appropriate balance between the Accused's rights and the Court's obligations. Non-disclosure of the information is not prejudicial to, or inconsistent with, the rights of the Accused because the information has no bearing on the material facts of this case.

II. Confidentiality

4. This filing and annexes 1 to 14 are classified as "Confidential, *EX PARTE*, only available to the Prosecution", as they contain confidential information to which the Defence is not entitled and which forms the substance of this request. Revealing this information would undermine the requested relief. The Prosecution will file a confidential redacted version of this request.

¹ ICC-01/05-01/13-959, p.19.

III. Background

5. On 22 May 2015, the Chamber issued its “Decision on Modalities of Disclosure”. The Decision sets out the procedure regarding ‘standard’ and ‘non-standard’ redactions, both for those approved by the Pre-Trial Chamber and those newly applied.²

6. On 2 June 2015, the Prosecution provided the Defence teams with a chart³ detailing the standard redactions. On 4 June, it disclosed further material applying the redaction code-system adopted by the Chamber.⁴

IV. Submissions

A. Redactions pursuant to articles 54(3)(f) and 68, and rule 81(4)

7. The Prosecution seeks to maintain or apply redactions to:

- a. the residence card number (including expiry date), tax number, and social security number of D-55 (P-0214);⁵
- b. the bank details of D-51 (P-0316);⁶
- c. particular details of [REDACTED];⁷ and
- d. the [REDACTED].⁸

8. The proposed redactions are limited in scope and necessary to protect the dignity and privacy of the witnesses concerned as envisaged in articles 54(3)(f) and

² ICC-01/05-01/13-959 with Annex.

³ See ICC-01/05-01/13-959-Anx, para. 7.

⁴ ICC-01/05-01/13-984.

⁵ CAR-OTP-0074-0860 at 0861 and its translation CAR-OTP-0074-0872 at 0875.

⁶ CAR-OTP-0085-0340 at 0341 and 0342; CAR-OTP-0085-0345; CAR-OTP-0085-0346; CAR-OTP-0085-0348; CAR-OTP-0085-0349.

⁷ CAR-OTP-0083-1291, [REDACTED].

⁸ CAR-OTP-0084-0472 at 0484.

68 of the Statute, and rules 76(4)⁹ and 81(4) of the Rules.

9. Non-disclosure of the information is not prejudicial to, or inconsistent with the rights of the Accused because the information has no bearing on the material facts of this case.¹⁰

B. Redactions pursuant to rule 81(2)

10. In addition, the Prosecution seeks redactions to the names and functions of [REDACTED]¹¹ [REDACTED]¹².

11. The Prosecution continues to cooperate with these individuals in the field in this case ([REDACTED]) and [REDACTED].¹³ Disclosing their identities may [REDACTED].

12. Pursuant to rule 81(2) of the Rules, the Prosecution can redact information if its disclosure could prejudice further or ongoing investigations. The proposed redactions are limited in scope and necessary to protect these investigations.

13. Non-disclosure of the information is not prejudicial to, or inconsistent with, the rights of the Accused because the information has no bearing on the material facts of this case.¹⁴

⁹ In respect of statements.

¹⁰ ICC-01/04-01/07-475 OA, para.72.

¹¹ CAR-OTP-0078-0155 at 156, ln.30 and its corresponding audio file CAR-OTP-0077-1092.

¹² CAR-OTP-0080-0007 at 0017, ln.378 and its corresponding audio file CAR-OTP-0077-1093.

¹³ [REDACTED].

¹⁴ ICC-01/04-01/07-475 OA, paras.72, 98.

V. Relief Sought

14. The Prosecution requests the Chamber to authorise the proposed redactions as applied in highlights in Annexes 1 to 13.



Fatou Bensouda, Prosecutor

Dated this 10th Day of June 2016
At The Hague, The Netherlands