

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **14 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, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA
WANDU AND NARCISSE ARIDO

Public redacted version of “Kilolo Defence Response to “Confidential
Redacted version of “Prosecution’s Application for Non-Standard
Redactions”, 22 October 2015, ICC-01/05-01/13-1412-Conf-Exp” (ICC-01/05-
01/13-1433-Conf).”

Source: Defence of Mr. 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

Counsel for Jean-Jacques Kabongo Mangenda

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 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
Section Other**

I. INTRODUCTION

1. On 22 October 2015, the Prosecution has filed an *ex parte* application for non-standard redactions¹. The Prosecution requests in its application an authorisation to apply redactions in two investigators reports concerning witness P-0263². These reports were previously communicated³ to defence teams in a redacted form pursuant to an order⁴ of the Trial Chamber.
2. On 23 October 2015, the Prosecution has filed a public redacted version of its application.⁵
3. On 26 October 2015, the Trial Chamber has ordered that any response to this application be filed by Thursday 29 October 2015.⁶
4. On 29 October 2015, the Defence for Mr. Kilolo ('Defence') has requested by e-mail an extension of deadline to file its response by midnight.⁷
5. On the same day, the Trial Chamber has granted the Defence's request.⁸
6. The Defence hereby submits its response.

¹ ICC-01/05-01/13-1412-Conf-Exp, 22 October 2015.

² CAR-OTP-0090-1876 and CAR-OTP-0090-2124.

³See ICC-01/05-01/13-1248-Conf-AnxB-Red, 18 September 2015; Trial Rule 77 Package 28 disclosed on 21 September 2015.

⁴ Trial Chamber's e-mail of 17 September 2014.

⁵ ICC-01/05-01/13-1412-Conf-Red, 23 September 2015.

⁶ See Trial Chamber's e-mail of 26 October 2015.

⁷ See Kilolo defence e-mail of 29 October 2015 at 15:29.

⁸ See Trial Chamber's e-mail of 29 October 2015 at 15:46.

II. CONFIDENTIALITY

7. The present filing is confidential as it responds to a request that has received the same classification.

III. SUBMISSIONS

8. The Defence respectfully defers to the Trial Chamber's discretion (having seen the non-redacted material), as to whether the redactions should be removed or not.
9. The Defence notes however that [REDACTED]. The Defence submits that such an assertion is purely speculative as the Prosecution does not prove that the witness has been subject to this kind of incident in the past or that it will be the case in the future.

Respectfully submitted,

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



Dated this 14 June 2016,
At The Hague, The Netherlands.