

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 21 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, Annex A

**Public redacted version of "Prosecution's Application for Non-Standard
Redactions", 20 November 2015, ICC-01/05-01/13-1488-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**

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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 an email correspondence, pursuant to articles 54(3)(f) and 64(6)(c) of the Rome Statute (“Statute”), and rule 81(3) of the Rules of Procedure and Evidence (“Rules”). The confidential information relates to operational communications between the Prosecution and the Office of the Registrar (“Registry”) [REDACTED].²

II. Confidentiality

3. This filing and its Annex A 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.

III. Background

4. On 22 May 2015, the Chamber issued its “Decision on Modalities of Disclosure”, setting out the procedure regarding ‘standard’ and ‘non-standard’ redactions, both for those approved by the Pre-Trial Chamber and those newly applied.³

¹ ICC-01/05-01/13-959, p. 19.

² CAR-OTP-0091-0301 at 0302-0304.

³ ICC-01/05-01/13-959 with Annex.

5. On 24 August 2015, the Chamber ordered the Prosecution to disclose to the Defence all payments and other forms of assistance given by the Prosecution to fourteen Main Case's Defence witnesses, as well as correspondence and documentation concerning these payments.⁴

6. On 28 September 2015, the Prosecution disclosed the email correspondence to the Defence *via* e-Court, with rule 81(1) of the Rules redactions applied to communications between the Prosecution and the Registry in relation to the [REDACTED].⁵

7. On 23 October 2015, following a request from the Mangenda Defence,⁶ the Prosecution reviewed its previous redactions and re-disclosed the email correspondence to the Defence with 'non-standard' redactions applied to operational communications between the Prosecution and the Registry.⁷

IV. Submissions

8. The Prosecution requests that redactions to information relating to [REDACTED].⁸ The proposed redactions are limited in scope and necessary to protect the confidentiality of Registry operations. In that respect, they are consistent with articles 54(3)(f) and 64(6)(c) of the Statute, and rule 81(3) of the Rules. If disclosed, the information may affect the operation of the Registry.

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

⁴ ICC-01/05-01/13-1172, p. 9.

⁵ Trial Rule 77 Package 29.

⁶ Email correspondence of 7 October 2015.

⁷ Trial Rule 77 Package 34.

⁸ CAR-OTP-0091-0301 at 0302-0304. The document also includes internal Prosecution communications which were provided to the Defence with limited 'standard' redactions.

this case.⁹

V. Relief Sought

10. The Prosecution requests the Chamber to authorise the proposed redactions as applied in highlights in Annex A.



Fatou Bensouda, Prosecutor

Dated this 21th Day of June 2016
At The Hague, The Netherlands

⁹ ICC-01/04-01/07-475 OA, para. 72.