



Original: English

No.: ICC-01/05-01/13
Date: 14 October 2015

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul C. 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

**With confidential Annex *ex parte* only available to the Registry, Office of the
Prosecutor and [REDACTED]**

**Request for cooperation to the [REDACTED] pursuant to
Decision ICC-01/05-01/13-1343-Conf**

Source: The Registry

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 A. 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

States' Representatives



Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registry of the International Criminal Court (“the Court”):

NOTING the “*Decision on ‘Prosecution’s Requests under Article 64(6)(b) and 93 of the Rome Statute to Summon Witnesses’*” (“Decision”) issued by Trial Chamber VII (“Chamber”) on 6 October 2015;¹

NOTING articles 64(6)(b), 70(2), 86, 87, 93(1)(b), 93(1)(d), 93(1)(j), 93(1)(l), 96, 97 of the Rome Statute (“Statute”) and rules 167 and 176(2) of the Rules of Procedure and Evidence (“Rules”);

CONSIDERING that the Chamber in the Decision found that (i) it has the power to compel witnesses to appear before it; (ii) pursuant to article 93(1)(b) of the Statute, the Court may request a State Party to both cooperate in serving the summonses upon witnesses and in compelling witnesses to appear before the Court sitting *in situ* in the State Party’s territory or by way of video-link; and (iii) the Prosecution has justified the issuance of the summonses to compel the appearance of the witnesses;

CONSIDERING that the Chamber granted the Prosecution’s two requests under articles 64(6)(b) and 93 of the Statute to summon two witnesses bearing the pseudonyms P-0201 and P-0198 (collectively “Two Witnesses”), and required the appearance of the said witnesses;

CONSIDERING that the Chamber required the appearance of the Two Witnesses to testify before the Chamber by way of video-link on such dates and times as the Prosecutor or the Registrar (as the case may be) shall communicate to them;

CONSIDERING that the Chamber requested the assistance of the [REDACTED]
[REDACTED] in consultation with the Court in

¹ ICC-01/05-01/13-1343-Conf.

accordance with article 93(3) of the Statute, where necessary, in ensuring the appearance of the Two Witnesses, using all means available under the laws of the [REDACTED] including (i) to communicate to the Two Witnesses the requirement of attendance; (ii) to cooperate in serving the summons upon the Two Witnesses; (iii) to facilitate, by way of compulsory measure as necessary, the appearance of the Two Witnesses before the Chamber by video-link on such dates and times as the Prosecutor or the Registrar shall indicate; and (iv) to make appropriate arrangements for the security of the Two Witnesses, in consultation with the Victims and Witnesses Unit of the Court in so far as possible until their appearance and completion before the Court;

CONSIDERING that the Chamber directed the Registry to prepare and transmit, in consultation with the Prosecutor, the necessary summonses to the Two Witnesses as well as the necessary cooperation request to the relevant authorities of [REDACTED] in accordance with articles 70(2), 93(1)(d), 93(1)(l), 96 and 99(1) of the Statute and rule 167 of the Rules;

CONSIDERING that after consultations with [REDACTED] the testimonies of the Two Witnesses will take place [REDACTED] [REDACTED]

REQUESTS [REDACTED] to perform the following:

- I. Communication to the Two Witnesses the Chamber's requirement of their testimonies before the Chamber*

1. [REDACTED] is requested:

- (i) to locate the Two Witnesses;
- (ii) to communicate to the Two Witnesses their obligation to testify before the Chamber as indicated in their respective summonses to appear (subpoenas), for all of the days that they are required to appear before the Court, until such day that they are released from their obligation to testify by the Chamber and/or to return to appear before the Chamber on any subsequent date(s) that the Chamber may direct;
- (iii) to serve the relevant summonses to appear (subpoenas) on each of the Two Witnesses;
- (iv) if necessary, according to the law [REDACTED] to domesticate the summonses to appear (subpoenas) for each of the Two Witnesses to ensure the compellability of the witnesses before the Chamber; and
- (v) to confirm to the Registry by 16 October 2015 that the summonses to appear (subpoenas) have been transmitted to the relevant [REDACTED] [REDACTED] have been served on the Two Witnesses, and to transmit to the Registry a copy of the return/certificate of service of the summonses.

II. Facilitation of the appearance of the Two Witnesses before the Chamber

2. [REDACTED] is requested:

- (i) to facilitate, by way of compulsory measure, as necessary, the appearance of the Two Witnesses for their testimonies before the Chamber; and
- (ii) to verify the identities of the Two Witnesses and escort them to the location where their testimonies will be taken.

III. Facilitation of the testimony of the Two Witnesses before the Chamber

3. [REDACTED] is requested:

- (i) to provide the Court with any necessary assistance in the organisation of the appearance of the Two Witnesses, including to confirm to the Registry their contact details and physical addresses as soon as the summonses are served to enable the Registry to facilitate all preparation in relation to the witnesses' testimonies; and
- (ii) to make appropriate arrangements, in consultation and cooperation with the Registry, for the security of the staff members of the Court, during their presence in [REDACTED] for the purpose the witnesses' testimonies.

IV. Appropriate arrangements for the security of the Two Witnesses

4. [REDACTED] is requested to make appropriate arrangements to ensure the security of the Two Witnesses, in consultation with the Victims and Witnesses Unit of the Court, in so far as possible and until the completion of their testimonies before the Chamber.

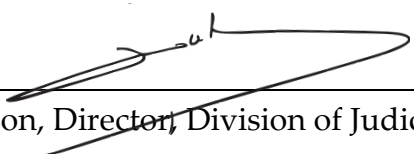
REQUESTS [REDACTED] to identify any steps to be taken in accordance with their national legislation to implement the present request;

REQUESTS [REDACTED] in accordance with article 87(3) of the Statute, to keep confidential the request and the relevant summonses to appear (subpoenas), except to the extent that disclosure is necessary for execution of this request;

REQUESTS [REDACTED] to inform the Court, pursuant to article 97 of the Statute, of any problem which may impede or prevent the execution of this request;

ATTACHES to this request the identifying information of the Two Witnesses as Annex; and

TRANSMITS to [REDACTED] the Decision as well as the summonses to appear (subpoenas) for the Two Witnesses.



Marc Dubuisson, Director, Division of Judicial Services
per delegation of
Herman von Hebel, Registrar

Dated this 14th October 2015

At The Hague, The Netherlands