



Original: **English**

No.: ICC-01/05-01/13
Date: 18 October 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 Arido Defence Request to Redact Certain Information

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

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

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*, having regard to Article 64(7) of the Rome Statute and Regulation 23 *bis*(3) of the Regulation of the Court, issues the following 'Decision on Arido Defence Response to Prosecution Disclosure Notification'.

1. On 11 October 2016, the Office of the Prosecutor ('Prosecution') filed a notification indicating the disclosure of a summary of an interview with D-4 ('Notification').¹ The Prosecution filed its Notification confidentially, indicating that a public redacted version would be filed.²
2. On 13 October 2016, the defence for Mr Arido ('Arido Defence') filed a response, objecting to the Notification's use as a 'backdoor to unduly influence the Trial Chamber in their Judgement'.³ The Arido Defence requested the Chamber to, *inter alia*, maintain its current confidential classification.⁴
3. On the same day, the Single Judge issued a decision, dismissing the requests formulated in the response.⁵ In respect of the request concerning the classification, he stated that the Prosecution did not seek to change the confidential classification of its filing, only that it announced to file a public redacted version.⁶
4. Also on the same day, the Prosecution filed its public-redacted version of the Notification.⁷

¹ Prosecution's Notification of Disclosure Under Rule 77 of the Rules of Procedure and Evidence, ICC-01/05-01/13-1983-Conf (with two annexes).

² Notification, ICC-01/05-01/13-1983-Conf, para. 2.

³ Narcisse Arido's Response to "Prosecution's Notification of Disclosure Under Rule 77 of the Rules of Procedure and Evidence" (ICC-01/05-01/13-1983-Conf), ICC-01/05-01/13-1984-Conf, filed on 12 October 2016, notified on 13 October 2016.

⁴ ICC-01/05-01/13-1984-Conf, para. 16 a..

⁵ Decision on Arido Defence Response to Prosecution Disclosure Notification, ICC-01/05-01/13-1985.

⁶ ICC-01/05-01/13-1985, para. 3.

⁷ ICC-01/05-1/13-1983-Red.

5. On 14 October 2016, the Arido Defence filed a request with regard to the redacted version ('Request').⁸ Therein, it seeks that no public redacted version of the Notification should be made available, or – in the alternative – that a public redacted version of it should not contain certain information ('Disputed Information').⁹
6. The Prosecution did not file a response.¹⁰
7. The Arido Defence argues that the Disputed Information shouldn't be made public since the submission of evidence has been closed and the release of the Dispute Information is unfair and prejudicial.¹¹ It avers that there are no procedural means to dispute the allegations.¹² Lastly, according to the Arido Defence, the allegations are unfair and prejudicial since they include members of the Arido Defence and seeking to address them would take 'focus off the defence of Mr Arido'.¹³
8. Considering the submissions of the Arido Defence, the fact that the Request is unopposed and the principle of publicity, the Single Judge hereby grants the alternative request. Accordingly, the Prosecution is instructed to file a further public redacted version in accordance with paragraph 14 b. of the Request.

⁸ Narcisse Arido's Request that Filing ICC-01/05-01/13-1983-Conf Remain Classified, or in the Alternative that Any Public Redacted Version Excludes Certain Information, ICC-01/05-01/13-1987-Conf.

⁹ Request, ICC-01/05-01/13-1987-Conf, paras 1, 2 and 14.

¹⁰ The response deadline to the Request was shortened to 17 October 2016, email from Trial Chamber VII Communications on 13 October 2016, at 18:14.

¹¹ Request, ICC-01/05-01/13-1987-Conf, para. 11.

¹² Request, ICC-01/05-01/13-1987-Conf, para. 12.

¹³ Request, ICC-01/05-01/13-1987-Conf, para. 13.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

INSTRUCTS the Prosecution to file a further public redacted version, incorporating redactions in accordance with paragraph 14 b. of the Request.

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

A handwritten signature in black ink, appearing to read 'BS', is written over a horizontal line.

Judge Bertram Schmitt, Presiding Judge

Dated 18 October 2016

At The Hague, The Netherlands