

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 10 September 2014

Date of public redacted version: 06 January 2017

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, 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 redacted version of
Decision on the “Prosecution’s Application for Redactions pursuant to Rule
81(4) of the Rules of Procedure and Evidence” dated 29 August 2014**

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Göran Sluiter

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

States Representatives

Others

REGISTRY

Registrar

Herman von Hebel

Detention Section

Victims and Witnesses Unit

Others

**Victims Participation and
Reparations Section**

I, Judge Cuno Tarfusser, having been designated as Single Judge of Pre-Trial Chamber II of the International Criminal Court;

NOTING the “Prosecution’s Application for Redactions pursuant to Rule 81(4) of the Rules of Procedure and Evidence” dated 29 August 2014 (“Prosecutor’s Request”)¹, whereby the Prosecutor requests to be authorised to redact [REDACTED] from a transcript of a witness interview (“Transcript”), with a view to “protect[ing] the witness’s dignity and privacy”;

NOTING articles 54, 57(3)(c), 61, 67 and 68 of the Statute, rules 15, 76, 77, 81(2), 81(4) and 121 of the Rules of Procedure and Evidence (“Rules”);

NOTING that other redactions to the Transcript had been requested by the Prosecutor in her “Prosecution’s Application for Redactions pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence” dated 6 June 2014² and subsequently authorised by the “Decision on the ‘Prosecution’s Application for Redactions pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence’ dated 6 June 2014” dated 17 June 2014 (“17 June 2014 Decision”)³;

NOTING that, pursuant to the “Prosecution’s Communication of Incriminatory Evidence Disclosed to the Defence on 20 June 2014”⁴, the Transcript was disclosed to the Defence teams on 20 June 2014, in the form authorised by the 17 June 2014 Decision, which also included the information the Prosecutor now wishes to redact;

¹ ICC-01/05-01/13-657-Conf-Exp and confidential *ex parte* Annexes A and B thereto.

² ICC-01/05-01/13-467 and confidential *ex parte* Annexes A to C thereto.

³ ICC-01/05-01/13-503.

⁴ ICC-01/05-01/13-510.

CONSIDERING that, accordingly, the information which the Prosecutor requests now to be authorised to redact have already been available to the parties for several weeks and that therefore the Prosecutor's objective to prevent their disclosure to the Defence teams has by now been irretrievably frustrated;

CONSIDERING, by the same token, that it is appropriate to remind the parties of their obligation to prevent the disclosure and dissemination of any and all documents and/or information of a confidential nature, including information pertaining to the privacy of witnesses;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

REJECTS the Prosecutor's Request.

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



Judge Cuno Tarfusser
Single Judge

Dated this Wednesday, 10 September 2014

The Hague, The Netherlands