

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

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

Date: **22 July 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

**Submission by the Defence for Mr Fidèle Babala Wandu in compliance with the
“Decision Closing the Submission of Evidence and Further Directions”
(ICC-01/05-01/13-1859)**

Source: Defence for Mr Fidèle Babala Wandu

ICC-01/05-01/13

1/4

22 July 2016

Official Court Translation

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

Office of the Prosecutor

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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

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**

Other

1. On 29 April 2016, the Single Judge closed the submission of evidence in case ICC-01/05-01/13¹ and ordered the parties to review all confidential filings to request their reclassification as “public”, whenever possible, or to submit redacted public versions.² He also directed the parties to certify that they have complied with this order by 16.30 on 22 July 2016.³
2. In compliance with this order, the Defence for Mr Babala (“the Defence”) reviewed all its filings in the instant case and submitted six reclassification requests⁴ for 38 of them,⁵ two of which had already been granted by the Chamber at the time of filing of the present observations.⁶
3. The Defence argues that 36 of its filings must remain confidential because they contain, depending on the case, (i) *inter parte* or private communications;⁷ (ii) details on evidence and/or witnesses;⁸ (iii) information on Mr Babala’s personal

¹ ICC-01/05-01/13-1859.

² *Ibid.*, para. 8.

³ *Idem.*

⁴ E-mails sent by Ms Manolescu to the Chamber and to the parties on 10 June 2016 at 12.41; on 13 June 2016 at 14.37; on 6 July 2016 at 18.51; on 15 July 2016 at 13.37; on 18 July 2016 at 18.19; and on 21 July 2016 at 14.57.

⁵ Including seven originally submitted jointly with other defence teams.

⁶ By its e-mail of 20 June 2016 sent to the Registry and to the parties at 13.39, the Chamber granted the Defence’s first two requests for reclassification.

⁷ ICC-01/05-01/13-1174-Conf-Anx1; ICC-01/05-01/13-1174-Conf-Anx2; ICC-01/05-01/13-1366-Conf-Anx; ICC-01/05-01/13-1572-Conf-Anx, ICC-01/05-01/13-1019-Conf-Anx; ICC-01/05-01/13-759-Conf-Anx1; ICC01/05-01/13-759-Conf-Anx2; ICC-01/05-01/13-797-Conf-Anx1; ICC-01/05-01/13-797-Conf-Anx2; ICC-01/0501/13-797-Conf-Anx3; ICC-01/05-01/13-1163-Conf-Anx1; ICC-01/05-01/13-1163-Conf-Anx2; ICC-01/0501/13-1493-Conf-Anx1; ICC-01/05-01/13-1493-Conf-Anx2; ICC-01/05-01/13-1493-Conf-Anx3; ICC-01/0501/13-1493-Conf-Anx4; ICC-01/05-01/13-1493-Conf-Anx5; ICC-01/05-01/13-1493-Conf-Anx6.

⁸ ICC-01/05-01/13-1558-Conf-AnxB; ICC-01/05-01/13-574-Conf-AnxA; ICC-01/05-01/13-1244-Conf-AnxI; ICC-01/05-01/13-1203-Conf-Anx; ICC-01/05-01/13-1312-Conf-Anx; ICC-01/05-01/13-1401-Conf-Anx; ICC-01/05-01/13-1499-Conf-Anx; ICC-01/05-01/13-1476-Conf-Anx; ICC-01/05-01/13-1504-Conf-Anx1; ICC-01/05-01/13-1822-Conf-Anx; ICC-01/05-01/13-1788-Conf-Anx; ICC-01/05-01/13-1752-Conf-Anx1; ICC01/05-01/13-1752-Conf-Anx2; ICC-01/05-01/13-1513-Conf-Anx; ICC-01/05-01/13-1588-Conf-AnxC.

life;⁹ and (iv) otherwise confidential information.¹⁰

4. The Defence remains willing to prepare redacted versions of any other submissions in accordance with the classification level decided upon by the Chamber.

RESPECTFULLY SUBMITTED,

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Mr Fidèle Babala Wandu

[signed]

Dated this 22 July 2016

At Brussels

⁹ ICC-01/05-01/13-1735-Conf-Exp-AnxB.

¹⁰ ICC-01/05-01/13-928-Conf; ICC-01/05-01/13-189-Conf-Exp.