

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 June 2014

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**

Confidential

**Decision on “Narcisse Arido’s request for non-disclosure and/or redactions of
data extracted from Mr Arido’s phones (ICC-01/05-01/13-452-Conf)”
dated 10 June 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

Ghislain Mabanga

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**

**The Office of Public Counsel for
Victims**

The Office of Public Counsel for the Defence

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 “Narcisse Arido’s request for non-disclosure and/or redactions of data extracted from Mr Arido’s mobile phones (ICC-01/05-01/13-452-Conf)” dated 10 June 2014 (“Mr Arido’s Request”)¹, whereby the Defence for Narcisse Arido requests the Single Judge “to review the data contained in the mobile phones of Mr Arido with a view to identifying personal information which are not relevant to the case, those which can be disclosed and the others which should not” with a view to preventing disclosure of information of a private nature and prevent that third persons be put at risk;

NOTING articles 54(1)(a), 57(3)(b) and (c), 68 and 93(1)(h) of the Statute and rule 81(4) of the Rules of Procedure and Evidence;

CONSIDERING that the principle whereby information of an exclusively private nature, as such irrelevant for the purposes of these proceedings, should not be the subject matter of disclosure has been stated and acted upon throughout this case²;

CONSIDERING, on the one hand, that it would not be appropriate for the Single Judge to carry out the review of the data extracted from Mr Arido’s mobile phones as requested;

CONSIDERING, on the other hand, that it is necessary that the Prosecutor be provided with the opportunity to review all the material seized upon the arrest of the suspects with a view to avoiding that the purpose of the seizures implemented upon their arrest be defeated, subject only to the need to avoid that material of a privileged nature be communicated to the Prosecutor;

¹ ICC-01/05-01/13-483-Conf.

² ICC-01/05-01/13-41.

CONSIDERING that, since no issue of privilege arises in connection with Mr Arido's telephones, it is appropriate that the same procedure as the one followed in respect of items seized upon the arrest of Fidèle Babala be likewise followed in respect of Mr Arido's mobile phones³;

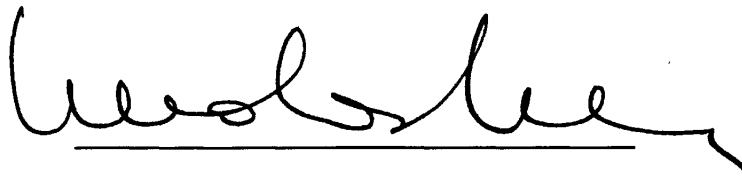
CONSIDERING that, in accordance with her responsibilities, the Prosecutor shall carry out the review of Mr Arido's mobile phones by investigating "incriminating and exonerating circumstances equally";

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

REJECTS Mr Arido's Request;

ORDERS the Registrar to promptly transmit the data extracted from Mr Arido's telephones to the Prosecutor and to return such telephones to Narcisse Arido upon completion of such transmission.

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



Judge Cuno Tarfusser
Single Judge

Dated this Tuesday, 17 June 2014

The Hague, The Netherlands

³ ICC-01/05-01/13-243-Conf; ICC-01/05-01/13-299-Conf; ICC-01/05-01/13-304-Conf.