



Original: English

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

Date: 2 July 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***

**URGENT
Public**

Order on the level of confidentiality of the Prosecutor's document containing the charges and the "Defence objection to the form of the document containing the charges" submitted by the Defence for Mr Bemba

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 the Victims

Legal Representatives of the 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

Herman von Hebel, Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other 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 Notification of Filing of the Document Containing the Charges and List of Evidence” dated 30 June 2014¹, and confidential Annex B1 thereto², containing the document containing the charges (“DCC”);

NOTING the “Defence objection to the form of the document containing the charges” dated 2 July 2014 (“Defence Objection”)³, submitted as a public document by the Defence for Mr Bemba;

NOTING article 67 of the Statute, rules 15, 43, 81 and 121 of the Rules of Procedure and Evidence (“Rules”), regulation 23bis of the Regulations of the Court (“Regulations”) and regulation 25 of the Regulations of the Registry;

CONSIDERING that the DCC contains references to information which is currently classified as confidential, including some information relating to or emanating from case ICC-01/05-01/08;

CONSIDERING that, accordingly, it is necessary that a public redacted version of the DCC be filed;

CONSIDERING that the Defence Objection contains references to documents, including the DCC and other material, which are currently classified as confidential;

CONSIDERING that, accordingly, it is also necessary that the Defence Objection be reclassified as confidential and that a public redacted version thereof be filed;

CONSIDERING that this is without prejudice to decisions which the Chamber shall take as to the confidentiality of documents in the record of the case, in due course;

¹ ICC-01/05-01/13-526.

² ICC-01/05-01/13-526-Conf-AnxB1.

³ ICC-01/05-01/13-530.

FOR THESE REASONS, THE SINGLE JUDGE

ORDERS the Prosecutor to file a public redacted version of the document containing the charges (ICC-01/05-01/13-526-Conf-AnxB1) by Thursday, 3 July 2014;

DECIDES that the Defence Objection shall be reclassified as confidential;

ORDERS the Defence for Mr Bemba to file a public redacted version of the Defence Objection by Thursday, 3 July 2014.

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



Judge Cuno Tarfusser
Single Judge

Dated this Wednesday, 2 July 2014

At The Hague, The Netherlands