

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/05-01/13  
Date: 19 August 2015

**TRIAL CHAMBER VII**

**Before:** Judge Chile Eboe-Osuji, Presiding Judge  
Judge Olga Herrera Carbuccion  
Judge Bertram Schmitt

**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 Registry Submission on the Forms to be Used for Rule 68(2)(b)  
Declarations**

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**

**Trial Chamber VII** (the ‘Chamber’) 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 Rule 68 of the Rules of Procedure and Evidence (the ‘Rules’), issues the following ‘Decision on Registry Submission on the Forms to be Used for Rule 68(2)(b) Declarations’.

1. On 29 July 2015, the Chamber authorised the Registry Legal Counsel, or anyone delegated by him, to be the person authorised to witness declarations made pursuant to Rule 68(2)(b) of the Rules (‘Rule 68(2)(b) Declarations’).<sup>1</sup>
2. On 14 August 2015, the Registry informed the Chamber that it has proposed certain amendments to the Rule 68(2)(b) Declaration form submitted by the Office of the Prosecutor.<sup>2</sup> This filing followed a Registry email alerting the Chamber to these proposed amendments and seeking the Chamber’s guidance as to the procedure for taking Rule 68(2)(b) Declarations.<sup>3</sup>
3. The Chamber notes its reasoning in its decision of 29 July 2015, whereby its designation was made ‘without prejudice to the Chamber’s legal interpretation of Rule 68 of the Rules and its applicability in the present case’.<sup>4</sup> The sufficiency of the Rule 68(2)(b) Declarations ultimately used by the Registry will only be assessed at the point that a request to introduce prior recorded testimony under Rule 68(2)(b) of the Rules is made.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

**DECLINES** to give any guidance following the information provided by the Registry.

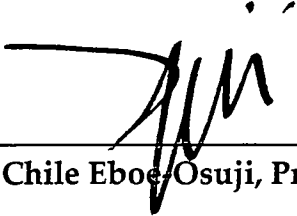
<sup>1</sup> Decision on the Prosecution’s Request to Designate a Person Authorised to Witness a Declaration Under Rule 68(2)(b) of the Rules of Procedure and Evidence, ICC-01/05-01/13-1109.

<sup>2</sup> Registry submission on the forms to be used for declarations made pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence, ICC-01/05-01/13-1150 (with two annexes; notified 17 August 2015), *commenting on* Annex of Prosecution’s Request to Designate a Person Authorised to Witness a Declaration under Rule 68(2)(b) of the Rules of Procedure and Evidence, 16 June 2015, ICC-01/05-01/13-1011-AnxA.

<sup>3</sup> Email from the Registry to the Chamber on 13 August 2015 at 14:14.

<sup>4</sup> ICC-01/05-01/13-1109, para. 6.

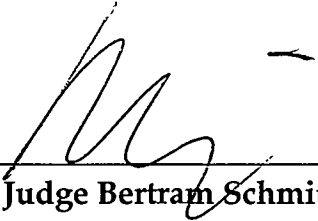
Done in both English and French, the English version being authoritative.



\_\_\_\_\_  
Judge Chile Eboe-Osuji, Presiding



\_\_\_\_\_  
Judge Olga Herrera Carbuca



\_\_\_\_\_  
Judge Bertram Schmitt

Dated 19 August 2015

At The Hague, The Netherlands