

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 28 August 2015

**TRIAL CHAMBER VII**

**Before: Judge Bertram Schmitt, 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**

**Decision on the Babala Request to Contact Prosecution Witnesses**

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**

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**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**Others**

**Judge Bertram Schmitt**, acting as Single Judge on behalf of Trial Chamber VII ('Single Judge' and 'Chamber', respectively) 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 Regulation 23 *bis* of the Regulations of the Court ('Regulations'), issues the following 'Decision on the Babala Request to Contact Prosecution Witnesses'.

1. On 24 August 2015, the defence for Mr Babala ('Babala Defence') filed an application to order the Office of the Prosecutor ('Prosecution') to enquire of four of its witnesses whether they agree to provide their contact details to the Babala Defence. Alternatively, it requested that the Chamber order the Victims and Witnesses Unit to obtain the witnesses' consent ('Request').<sup>1</sup>
2. On 27 August 2015, the Prosecution filed its response, stating that it had contacted the four witnesses in question and three of them had declined to provide their contact details. For the fourth witness, who had agreed to be contacted by the Babala Defence, the Prosecution states that it had transmitted the contact details to the Babala Defence on 26 August 2015 ('Response').<sup>2</sup>
3. In light of the above, the Single Judge dismisses the Request as moot. Further, according to Regulation 23 *bis*(3) of the Regulations, the Single Judge hereby instructs the Registry to re-classify the Request and Response as 'public'.

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<sup>1</sup> Requête introduite sous le bénéfice de l'urgence par l'équipe de Défense de M. Babala en vue d'obtenir les coordonnées des témoins P-0263, P-0264, P-0270 et P-0020 conformément aux points 3 et 35 du Protocole sur le traitement des informations confidentielles pendant les enquêtes et les contacts entre une partie et les témoins des autres parties du 20 juillet 2015 ainsi qu'aux articles 64(2) et 6(f) du Statut de Rome, ICC-01/05-01/13-1174-Conf, with two confidential annexes.

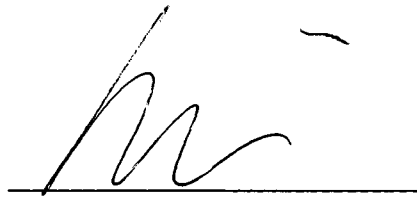
<sup>2</sup> Prosecution's Response to Babala's Urgent Request Regarding Contact Details of Four Prosecution Witnesses, ICC-01/05-01/13-1190-Conf.

**FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY**

**DISMISSES** the Request as moot;

**ORDERS** the Registry to re-classify the Request and Response as 'public'.

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

A handwritten signature in black ink, appearing to be 'B. Schmitt', written over a horizontal line.

**Judge Bertram Schmitt, Single Judge**

Dated 28 August 2015

At The Hague, The Netherlands