

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/05-01/13  
Date: 3 November 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 Prosecution's Application for Non-Standard Redactions  
Related to P-263**

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**

**Others**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**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 Article 68 of the Rome Statute and Rules 76-77 and 81 of the Rules of Procedure and Evidence, issues the following 'Decision on Prosecution's Application for Non-Standard Redactions Related to P-263'.

1. On 22 October 2015, the Prosecution requested the Chamber to authorise certain limited redactions to two investigator's reports concerning P-263 with a view to protecting the witness' privacy, well-being and safety ('Request').<sup>1</sup>
2. On 29 October 2015, the Defence for Mr Kilolo ('Kilolo Defence') responded to the Request.<sup>2</sup> The Kilolo Defence defers to the Chamber's discretion as to whether redactions 'should be removed or not', but challenges as 'purely speculative' the Prosecution's assertion that P-263 may be subject to 'harm, harassment or abuse by the Accused'.<sup>3</sup>
3. None of the other defence teams responded to the Request.
4. The Single Judge understands the Kilolo Defence response as not opposing the Request, but rather the Prosecution's argumentation in support of the Request. The Single Judge is of the view that the redactions sought are necessary to reduce the danger involving an objectively identifiable risk to this witness's safety. The redactions are also not prejudicial to the rights of the Defence as the proposed

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<sup>1</sup> Prosecution's Application for Non-Standard Redactions, 22 October 2015, ICC-01/05-01/13-1412-Conf-Exp, (with two confidential *ex parte* annexes); a confidential redacted version of the filing was notified 23 October 2015 (ICC-01/05-01/13-1412-Conf-Red). *See also* CAR-OTP-0090-1876; CAR-OTP-0090-2124.

<sup>2</sup> Kilolo Defence Response to "Confidential Redacted version of 'Prosecution's Application for Non-Standard Redactions'", 22 October 2015, ICC-01/05-01/13-1412-Conf-Exp, ICC-01/05-01/13-1433-Conf (notified 30 October 2015). Responses were due by 16:00 on 29 October 2015, but the Kilolo Defence was granted an extension to midnight of that same day. Email from a Legal Officer of the Chamber to the parties, 29 October 2015 at 15:46; Email from a Legal Officer of the Chamber to the parties, 26 October 2015 at 14:19.

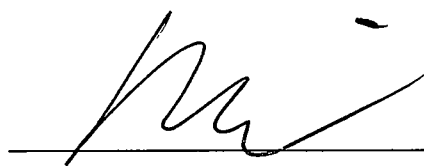
<sup>3</sup> ICC-01/05-01/13-1433-Conf, paras 8-9.

redactions are limited, relating to information irrelevant to the material facts of the case and unopposed.

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

**GRANTS** the relief sought in the Request.

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

A handwritten signature in black ink, consisting of stylized initials and a surname, written over a horizontal line.

**Judge Bertram Schmitt, Single Judge**

Dated 3 November 2015

At The Hague, The Netherlands