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

Date: 18 April 2016

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 'Prosecution's Application for Non-Standard Redactions' to three documents

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda

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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

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Judge Bertram Schmitt, Single Judge of Trial Chamber VII ('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 Articles 54(3)(f), 64(6)(c) and 68(1) of the Rome Statute and Rules 81(2) and 81(4) of the Rules of Procedure and Evidence, issues the following Decision on the 'Prosecution's Application for Non-Standard Reductions' to three documents.

1. On 17 March 2016, the Office of the Prosecutor ('Prosecution') filed an application for non-standard redactions ('Application'),¹ pursuant to the Protocol Establishing a Redaction Regime.² In its Application, the Prosecution seeks redactions to three documents filed as confidential *ex parte* annexes to the Application.³
2. The Single Judge recalls the 'Decision on Modalities of Disclosure', wherein the Chamber stated that the party requesting redactions must establish 'the existence of an objectively justifiable risk to the safety of the person or interest concerned, or which may prejudice further or ongoing investigations'.⁴
3. The first document to which the Prosecution proposes redactions is an Investigator's Report concerning Witness P-256. The Prosecution argues that redactions to information about Witness P-256's family are necessary to protect the safety, privacy and well-being of the witness and his family.⁵ The second document is a communication log concerning Witness P-256 which contains information of a medical nature pertaining to the witness.⁶ The Prosecution

¹ Prosecution's Application for Non-Standard Redactions, ICC-01/05-01/13-1724, reclassified as public on 18 March 2016.

² Annex to Decision on Modalities of Disclosure, 22 May 2015, ICC-01/05-01/13-959-Anx.

³ Application, Annex A, ICC-01/05-01/13-1724-Conf-Exp-AnxA; Annex B, ICC-01/05-01/13-1724-Conf-Exp-AnxB; Annex C, ICC-01/05-01/13-1724-Conf-Exp-AnxC.

⁴ Decision on Modalities of Disclosure, 22 May 2015, ICC-01/05-01/13-959, para 11.

⁵ Application, ICC-01/05-01/13-1724, paras 2(i) and 7.

⁶ Application, ICC-01/05-01/13-1724, paras 2(ii) and 8.

maintains that the proposed redactions are limited and necessary to protect the witness' dignity and privacy. The third document concerns a Prosecution Request for Assistance to the Central African Republic ('CAR'). The redactions sought relate to the names of two government officials from CAR. The Prosecution maintains that these individuals are crucial to the Prosecution's current operations in CAR and the disclosure of their names may affect the integrity of the Prosecution's investigation and ongoing cooperation with the CAR authorities.⁷

4. The Single Judge notes that no responses or objections were filed to this Application. It is accepted that the proposed redactions are both necessary to protect the legitimate interests raised by the Prosecution and are not unduly prejudicial to the accused.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Application

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



Judge Bertram Schmitt, Single Judge

Dated 18 April 2016

At The Hague, The Netherlands

⁷ Application, ICC-01/05-01/13-1724, paras 2(iii) and 9.