



Original: **English**

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

Date: **6 July 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 Prosecution's Request to Issue a Public Redacted Version of Decision
ICC-01/05-01/13-1234-Conf**

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

Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber VII ('Single Judge' and 'Chamber', respectively) of the International Criminal Court ('Court'), issues the following 'Decision on Prosecution's Request to Issue a Public Redacted Version of Decision ICC-01/05-01/13-1234-Conf', 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 64(7) and 67(1) of the Rome Statute ('Statute') and Regulation 23 *bis* of the Regulations of the Court.

1. On 10 September 2015, the Single Judge confidentially issued the 'Decision on Defence Requests for Prosecution Requests for Assistance, Domestic Records and Audio Recordings of Interviews' ('Decision').¹
2. On 24 June 2016, the Prosecution filed a request that the Chamber issue a public redacted version of the Decision ('Request'). The Prosecution also indicates that the approach of the Decision, with other confidential case-law, may recently have assumed new significance for the interpretation of the Statute and Rules of Procedure and Evidence with respect to disclosure of requests for assistance or similar materials under Rule 77.²
3. By 28 June 2016,³ none of the defence teams responded to the Request.
4. There is a general interest in the publicity of this Court's proceedings, and the Single Judge agrees that the Decision no longer needs to remain confidential. The Single Judge considers that reclassification of the Decision is more appropriate than issuing a redacted version, since the countries of interest proposed for redaction by the Prosecution have already been publicly identified

¹ Decision on Defence Requests for Prosecution Requests for Assistance, Domestic Records and Audio Recordings of Interviews, ICC-01/05-01/13-1234-Conf.

² Prosecution's request to issue public redacted version of confidential decision of 10 September 2015, ICC-01/05-01/13-1937-Conf. para. 6.

³ The response deadline was shortened to this date. Email from Trial Chamber VII Communications to the parties, 24 June 2016 at 16:33.

in other contexts.⁴ The Single Judge therefore grants the Request in part and orders reclassification of the Decision.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

ORDERS the Registry to reclassify the Decision (ICC-01/05-01/13-1234-Conf), the Request (ICC-01/05-01/13-1937-Conf) and its annex ('ICC-01/05-01/13-1937-Conf-AnxA') as 'public'.

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

A handwritten signature in black ink, appearing to read 'Bertram Schmitt', is written over a horizontal line.

Judge Bertram Schmitt, Presiding Judge

Dated 6 July 2016

At The Hague, The Netherlands

⁴ See Public Redacted Version of "Defence Request for Disclosure Concerning Prosecution Requests for Assistance, Correspondence, and Domestic Records", ICC-01/05-01/13-1135-Red, para. 17; Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute, 15 November 2014, ICC-01/05-01/13-749, page 47.