

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: English

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

Date: 10 September 2014

Date of public redacted version: 06 January 2017

**PRE-TRIAL CHAMBER II**

**Before: Judge Cuno Tarfusser, 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 redacted version of  
Decision on the “Prosecution’s Application for Redactions pursuant to Rule  
81(4) of the Rules of Procedure and Evidence” dated 29 August 2014**

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

**The Office of the Prosecutor**

Fatou Bensouda

James Stewart

Kweku Vanderpuye

**Counsel for Jean-Pierre Bemba Gombo**

Nicholas Kaufman

**Counsel for Aimé Kilolo Musamba**

Paul Djunga Mudimbi

**Counsel for Jean-Jacques Mangenda Kabongo**

Jean Flamme

**Counsel for Fidèle Babala Wandu**

Jean-Pierre Kilenda Kakengi Basila

**Counsel for Narcisse Arido**

Göran Sluiter

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**States Representatives**

**Others**

**REGISTRY**

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**Registrar**

Herman von Hebel

**Detention Section**

**Victims and Witnesses Unit**

**Others**

**Victims Participation and  
Reparations Section**

**I, Judge Cuno Tarfusser**, having been designated as Single Judge of Pre-Trial Chamber II of the International Criminal Court;

**NOTING** the “Prosecution’s Application for Redactions pursuant to Rule 81(4) of the Rules of Procedure and Evidence” dated 29 August 2014 (“Prosecutor’s Request”)<sup>1</sup>, whereby the Prosecutor requests to be authorised to redact [REDACTED] from a transcript of a witness interview (“Transcript”), with a view to “protect[ing] the witness’s dignity and privacy”;

**NOTING** articles 54, 57(3)(c), 61, 67 and 68 of the Statute, rules 15, 76, 77, 81(2), 81(4) and 121 of the Rules of Procedure and Evidence (“Rules”);

**NOTING** that other redactions to the Transcript had been requested by the Prosecutor in her “Prosecution’s Application for Redactions pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence” dated 6 June 2014<sup>2</sup> and subsequently authorised by the “Decision on the ‘Prosecution’s Application for Redactions pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence’ dated 6 June 2014” dated 17 June 2014 (“17 June 2014 Decision”)<sup>3</sup>;

**NOTING** that, pursuant to the “Prosecution’s Communication of Incriminatory Evidence Disclosed to the Defence on 20 June 2014”<sup>4</sup>, the Transcript was disclosed to the Defence teams on 20 June 2014, in the form authorised by the 17 June 2014 Decision, which also included the information the Prosecutor now wishes to redact;

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<sup>1</sup> ICC-01/05-01/13-657-Conf-Exp and confidential *ex parte* Annexes A and B thereto.

<sup>2</sup> ICC-01/05-01/13-467 and confidential *ex parte* Annexes A to C thereto.

<sup>3</sup> ICC-01/05-01/13-503.

<sup>4</sup> ICC-01/05-01/13-510.

**CONSIDERING** that, accordingly, the information which the Prosecutor requests now to be authorised to redact have already been available to the parties for several weeks and that therefore the Prosecutor's objective to prevent their disclosure to the Defence teams has by now been irretrievably frustrated;

**CONSIDERING**, by the same token, that it is appropriate to remind the parties of their obligation to prevent the disclosure and dissemination of any and all documents and/or information of a confidential nature, including information pertaining to the privacy of witnesses;

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

**REJECTS** the Prosecutor's Request.

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



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**Judge Cuno Tarfusser**  
**Single Judge**

Dated this Wednesday, 10 September 2014

The Hague, The Netherlands