

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 22 June 2016

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

***THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

Public Redacted Document

with

Confidential, *EX PARTE*, only available to the Prosecution, Annexes A and B

**Public redacted version of "Prosecution's Application for Non-Standard
Redactions", 22 October 2015, ICC-01/05-01/13-1412-Conf-Exp**

Source: The Office of the Prosecutor

Document 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

Mr Steven Sacha Powles

Counsel for Jean-Jacques Mangenda Kabongo

Mr Christopher Michael Gosnell

Mr Arthur Vercken De Vreuschmen

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Azama Shalie Rodoma

Counsel for Narcisse Arido

Mr Charles Achaleke Taku

Ms Beth Lyons

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**

Mr Nigel Verrill

Detention Section**Victims Participation and Reparations Section Others**

I. Introduction

1. As ordered by the Trial Chamber VII ("Chamber"),¹ the Office of the Prosecutor ("Prosecution") requests authorisation to apply "non-standard redactions", pursuant to the Protocol Establishing a Redaction Regime.

2. The Prosecution seeks limited redactions to confidential information contained in two investigator's reports concerning Witness P-0263,² pursuant to articles 54(3)(f) and 68(1) of the Rome Statute ("Statute"), and rule 81(4) of the Rules of Procedure and Evidence ("Rules").

II. Confidentiality

3. This filing and annexes A and B are classified as "Confidential, *EX PARTE*, only available to the Prosecution", as they contain confidential information to which the Defence is not entitled and which forms the substance of this request. Revealing this information would undermine the requested relief. The Prosecution will file a confidential redacted version of this request.

III. Background

4. On 22 May 2015, the Chamber issued its "Decision on Modalities of Disclosure". The Decision sets out the procedure regarding 'standard' and 'non-standard' redactions, both for those approved by the Pre-Trial Chamber and those newly applied.³

¹ ICC-01/05-01/13-959, p. 19.

² CAR-OTP-0090-1876; CAR-OTP-0090-2124. These two items are also contained in ICC-01/05-01/13-1248-Conf-AnxB-Red.

³ ICC-01/05-01/13-959 with Annex.

5. On 17 September 2015, the Chamber ordered the Prosecution to provide to the Defence confidential redacted versions of the annexes to filing ICC-01/05-01/13-1248-Conf.⁴ ICC-01/05-01/13-1248-Conf-AnxB contains the two investigator's reports concerning Witness P-0263.

6. On 18 September 2015, the Prosecution filed a confidential redacted version of annex B.⁵ On 21 September, the two investigator's reports were also disclosed to the Defence *via* e-Court, containing non-standard redactions.⁶

IV. Submissions

7. The Prosecution requests that redactions to the [REDACTED] be maintained.⁷ The proposed redactions are limited in scope and necessary to protect the witness's privacy, well-being and safety. In that respect, they are consistent with articles 54(3)(f) and 68(1) of the Statute, and rule 81(4) of the Rules. If disclosed, the information may subject the witness to harm, harassment or abuse by the Accused or others in [REDACTED] community.

8. Non-disclosure of the information is not prejudicial to, or inconsistent with the rights of the Accused because the information has no bearing on the material facts of this case.⁸

⁴ E-mail correspondence of 17 September 2015.

⁵ ICC-01/05-01/13-1248-Conf-AnxB-Red.

⁶ Trial Rule 77 Package 28.

⁷ CAR-OTP-0090-1876 at 1878; CAR-OTP-0090-2124 at 2124.

⁸ ICC-01/04-01/07-475 OA, para. 72.

V. Relief Sought

9. The Prosecution requests the Chamber to authorise the proposed redactions as applied in highlights in Annexes A and B.



Fatou Bensouda, Prosecutor

Dated this 22nd Day of June 2016
At The Hague, The Netherlands