

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 25 September 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 redacted version of

**Victims and Witnesses Unit's report on the implementation of the "Decision on
Kilolo Defence Request to Contact P-198" (ICC-01/05-01/13-1268-Conf)**

Source: The Registry

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

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Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda Kabongo

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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

Defence Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Victims Participation and Reparations Section

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the “Decision adopting a Protocol on the Handling of Confidential Information during Investigations and Contact Between a Party and Witnesses of Other Parties” issued by Trial Chamber VII (the “Chamber”) on 20 July 2015 (the “Protocol”);¹

NOTING the “Requête URGENTE aux fins d’obtenir la communication des coordonnées du témoin P-0198 » (the “Request”) submitted by the Defence of Mr Aimé Kilolo Musamba (the “Kilolo Defence”) on 16 September 2015;²

NOTING the “Prosecution Response to the “Requête URGENTE aux fins d’obtenir la communication des coordonnées du témoin P-0198” dated 17 September 2015;³

NOTING the « Decision on Kilolo Defence Request to Contact P-198” issued by Trial Chamber VII (the “Chamber”) on 18 September 2015 (the “Decision”);⁴

NOTING articles 43(6) and 68(1) and (4) of the Rome Statute, rules 16 to 19 of the Rules of Procedure and Evidence, regulation 23*bis* (2) of the Regulations of the Court and regulations 79 to 96*bis* of the Regulations of the Registry;

CONSIDERING that in its Decision, the Chamber instructed the VWU to contact the witness within five days of notification of its Decision and to inquire into whether the witness consents to being contacted by the Kilolo Defence and to communicate its efforts by official filing;

¹ ICC-01/05-01/13-1093.

² ICC-01/05-01/13-1255-Conf-Exp.

³ ICC-01/05-01/13-1264-Conf-Exp.

⁴ ICC-01/05-01/13-1268-Conf.

RESPECTFULLY SUBMITS as follows:

1. The VWU attempted to contact witness P-198 several times to no avail. On 21 September 2015, the VWU called the witness seven times⁵ from The Hague. The telephone rang and there was no response. There was no possibility to leave a voice message.
2. On 22 September 2015, two attempts were made to call the witness
The telephone was switched off.
3. On 24 September 2015, the Unit called four times⁷ from The Hague. The telephone rang. There was no answer or the operator indicated that the telephone was not reachable. There was still no possibility to leave a voice message
4. Therefore, after several attempts, the Unit was not successful to contact the witness in order to inquire whether he consents to being contacted by the Kilolo Defence.


Marc Dubuisson, Director, Division of Judicial Services
per delegation of
Herman von Hebel, Registrar

Dated this 25 September 2015

At The Hague, The Netherlands

⁵ Respectively at 12h27, 12h30, 12h33, 12h35, 12h36, 12h37, 14h26 and 16h10.

⁶ Respectively at 10h15 and 14h10.

⁷ Respectively at 11h09, 11h11, 13h55 and 16h35.