

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08

Date: 1 August 2008

PRE-TRIAL CHAMBER III

Before: Judge Hans-Peter Kaul, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
*v. JEAN-PIERRE BEMBA GOMBO***

Confidential

**Notification to the Defence of the Prosecutor's Applications for Redactions
pursuant to Rules 81(2) and 81(4)**

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

Counsel for the Defence

Mr. Tjarda Eduard van der Spoel

Mr. Aime Kilolo Musamba

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

Ms. Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 13 October 2006, the Appeals Chamber delivered its Judgment on the Prosecutor's appeal against the decision of Pre-Trial Chamber I entitled "Decision Establishing General Principles Governing Applications to Restrict Disclosure pursuant to Rule 81 (2) and (4) of the Rules of Procedure and Evidence"¹.

The Appeals Chamber determined that whenever an application pursuant to Rule 81 (2) and (4) of the Rules of Procedure and Evidence (hereinafter referred to as "Rules") is filed *ex parte*, the other participant must in principle be made aware in an *inter partes* filing of the fact that such an application was filed as well as of its legal basis².

2. In compliance with this ruling, the Office of the Prosecutor (hereinafter referred to as "Prosecution") respectfully submits to the Defence this Notification in regards to the following applications for redactions pursuant to Rules 81(2) and 81(4) of the Rules which were filed *ex parte*:

3. On 30 June 2008 the Prosecution filed the "Prosecution's Application Pursuant to Rules 81(2) and 81(4) for redactions to the Application for a Warrant of Arrest and the Further Submission"³ and sought rulings of the Pre-Trial Chamber III (hereinafter referred to as "PTC III") pursuant to Rules 81(2) and 81(4) of the Rules.

4. On 16 July 2008 the Prosecution filed the "Prosecutor's Application for Redaction Pursuant to Rules 81(2) and 81(4)"⁴. The Prosecution attached witness statements and related annexes with proposed redactions and sought rulings of the PTC III pursuant to Rules 81(2) and 81(4) of the Rules.

¹ ICC-01/04-01/06-568

² ICC-01/04-01/06-568, paras 65 and 67

³ ICC-01/05-01/08-32-US-Exp

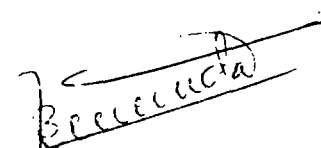
⁴ ICC-01/05-01/08-44-US-Exp

5. On 23 July 2008 the PTC III issued the "Decision concerning the Prosecutor's proposals for redactions"⁵ which was received by the Prosecution on 24 July 2008.

6. On 1 August 2008 the Prosecution submitted the "Prosecutor's Decision concerning the Prosecutor's proposals for redactions". The Prosecution appended witness statements and related annexes with proposed redactions and requested the PTC III for authorization to apply redactions pursuant to Rules 81(2) and 81(4) of the Rules.

7. For the reasons set forth above, the Prosecution notifies the Defence of the following *ex parte* filings:

- a) Prosecution's Application Pursuant to Rules 81(2) and 81(4) for redactions to the Application for a Warrant of Arrest and the Further Submission⁶, filed on 30 June 2008
- b) Prosecutor's Application for Redaction Pursuant to Rules 81(2) and 81(4)⁷, filed on 16 July 2008
- c) Prosecutor's Decision concerning the Prosecutor's proposals for redactions, filed on 1 August 2008



Fatou Bensouda, Deputy Prosecutor

Dated this 1 day of August 2008

At The Hague, The Netherlands

⁵ ICC-01/05-01/08-48-US-Exp

⁶ ICC-01/05-01/08-32-US-Exp

⁷ ICC-01/05-01/08-44-US-Exp