

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 26 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

Ex parte only available to the Prosecutor and the Victims and Witnesses Unit

Decision convening a status conference

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

The Office of the Prosecutor
Fatou Bensouda, Deputy Prosecutor
Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the 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
Silvana Arbia

Defence Support Section

Victims and Witnesses Unit
Simo Vaatainen

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Hans-Peter Kaul, acting as Single Judge¹ for Pre-Trial Chamber III (the “Chamber”) of the International Criminal Court (the “Court”), received an application by the Prosecutor² on 1 August 2008 entitled “Prosecutor’s Decision concerning the Prosecutor’s proposals for redactions” (the “Prosecutor’s proposals for redactions”) requesting the authorization of proposed redactions.

1. The Single Judge recalls that the Prosecutor submitted on 30 June 2008 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 to which the Victims and Witnesses Unit (the “VWU”) provided its observations on 4 July 2008.⁴

2. On 16 July 2008 the Prosecutor submitted the “Prosecutor’s Application for Redaction pursuant to Rules 81(2) and 81(4)” relating to the annexes of the documents dealt with in the Prosecutor’s application of 30 June 2008.

3. The Chamber thereafter issued the “Decision concerning the Prosecutor’s proposals for redactions” on 23 July 2008 in response to which the Prosecutor re-submitted his proposals for redactions on 1 August 2008 after consultations with the VWU.⁵

¹ ICC-01/05-01/08-53.

² ICC-01/05-01/08-58-US-Exp.

³ ICC-01/05-01/08-32-US-Exp.

⁴ ICC-01/05-01/08-39-US-Exp entitled “Victims and Witnesses Unit’s Observations on the Prosecution’s Application Pursuant to Rules 81(2) and 81(4) for redaction to the Application for a Warrant of Arrest and the Further Submission”.

⁵ ICC-01/05-01/08-58-US-Exp, paras 14, 24, 25 and 27.

4. On 18 August 2008 the VWU provided further observations on the protection measures available in relation to the individuals concerned by the Prosecutor's proposal for redaction.⁶

5. The Single Judge notes articles 43(6), 57(3)(c), 61, 67 and 68 of the Rome Statute (the "Statute"), rules 17, 18, 76 to 82, 87, 88 and 121 of the Rules of Procedure and Evidence (the "Rules") as well as regulations 28 and 30 of the Regulations of the Court (the "Regulations").

6. In accordance with article 68(1) of the Statute, the Single Judge has the obligation to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. Equally, the Single Judge recalls his obligation to ensure fair and expeditious conduct of proceedings in full respect of the rights of the person prosecuted.

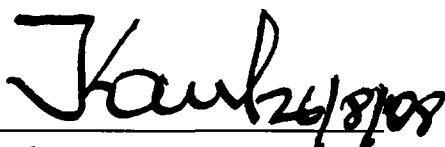
7. With a view to prepare adequately the decision authorizing or not the Prosecutor's proposals for redactions of information to be disclosed to the defence, there is a need for the Single Judge to receive further relevant information and clarifications. The Single Judge considers a status conference to be appropriate to address issues, such as the current security situation in the Central African Republic, missing supporting information regarding some of the incidents mentioned in the Prosecutor's proposals for redactions (such as press articles), the security situation of the eleven individual witnesses and related detailed questions with regard to the proposed redactions of information in their statements, the proposed system of rolling disclosure and the current situation regarding the implementation of protective measures.

⁶ ICC-01/05-01/08-72-US-Exp entitled "Victims and Witnesses Unit's observations on the protection measures available in relation to the individuals concerned by the Prosecutor's proposal for redaction".

FOR THESE REASONS, THE SINGLE JUDGE DECIDES

to convene a status conference *ex parte* and *in camera* with the Prosecutor and the Victims and Witnesses Unit on **Thursday, 28 August 2008, 14h00** in the Pre-Trial Courtroom.

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



Judge Hans-Peter Kaul
Single Judge

Dated this 26 August 2008

At The Hague, the Netherlands