

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **French**

No.: **ICC-01/05-01/08**
Date: **10 September 2008**

PRE-TRIAL CHAMBER III

Before: Judge Fatoumata Dembele Diarra, 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 Status Conferences on the Prosecutor's Request for
Redactions**

Document 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, Trial Lawyer

Counsel for the Defence

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

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Simo Vaatainen

Detention Section

**Victims Participation and Reparations
Section**

Other

1. **Judge Fatoumata Dembele Diarra**, judge at the International Criminal Court ("the Court"), acting as single judge¹ on behalf of Pre-Trial Chamber III ("the Chamber"), recalls that on 1 August 2008, Judge Hans-Peter Kaul,² designated Single Judge from 1 to 31 August 2008, received a request from the Prosecutor for proposed redactions ("the Prosecutor's Request for Redactions")³ to be granted. These proposals for redactions pertain both to the "Prosecutor's Application for Warrant of Arrest under Article 58"⁴ and the "Prosecutor's Submission on Further Information and Materials"⁵ and to the annexes thereto.
2. The Single Judge further recalls that on 18 August 2008, the Victims and Witnesses Unit ("the VWU") provided Judge Hans-Peter Kaul with additional information about the Prosecutor's proposals for redactions.⁶
3. Since the Prosecutor's and the VWU's proposals appear contradictory on some points, Single Judge Hans-Peter Kaul scheduled an *ex parte* closed session status conference which was held on 28 August 2008.⁷
4. On 31 August 2008, Single Judge Hans-Peter Kaul rendered the *First decision on the Prosecutor's request for redactions*,⁸ a decision which has become final and by which he partially allowed certain redactions which pertained only to the "Prosecutor's Application for Warrant of Arrest under Article 58" and the "Prosecutor's Submission on Further Information and Materials".
5. The Single Judge notes articles 43(6), 57(3)(c), 61, 67 and 68 of the *Rome Statute* ("the Statute") and rules 17, 18, 76 to 82, 87, 88 and 121 of the *Rules of Procedure and Evidence* ("the Rules") and also regulations 28 to 30 of the *Regulations of the Court*.

¹ ICC-01/05-01/08-86.

² ICC-01/05-01/08-53.

³ ICC-01/05-01/08-58-US-Exp.

⁴ ICC-01/05-01/08-26-US-Exp.

⁵ ICC-01/05-01/08-29-US-Exp.

⁶ ICC-01/05-01/08-72-US-Exp.

⁷ ICC-01/05-01/08-T-4-Conf-Exp-ENG ET.

⁸ ICC-01/05-01/08-85-Conf.

6. Pursuant to article 68 of the Statute, the Single Judge must take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. The Single Judge must also ensure the fairness and expeditiousness of proceedings at the pre-trial phase of the trial, with respect for the rights of the prosecuted person.
7. Having given due consideration to these obligations and in order to prepare the subsequent decisions on the Prosecutor's proposals for redactions to the annexes to the "Prosecutor's Application for Warrant of Arrest under Article 58" and the "Prosecutor's Submission on Further Information and Materials", the Single Judge considers that it is appropriate to schedule a series of status conferences to enable clarification of some of the Prosecutor's proposals and to obtain the Victim and Witnesses Unit's opinion on those clarifications, if any.
8. Accordingly, the Single Judge considers that it is necessary to schedule hearings as follows:
 - Wednesday 17 September 2008 from 9h30-13h00: review of the Prosecutor's proposals for redactions for witnesses 0036, 0006, 0025, 0015 and 0007.
 - Wednesday 17 September 2008 from 14h30-16h00: review of the Prosecutor's proposals for redactions for witnesses 0037, 0031 and 0026.
 - Friday 19 September 2008 from 9h30-13h00: review of the Prosecutor's proposals for redactions for witnesses 0009, 0033, 0038 and 0022.
 - Friday 19 September 2008 from 14h30-16:00: review of the Prosecutor's proposals for redactions for witnesses 0023 and 0029.

FOR THESE REASONS, THE SINGLE JUDGE DECIDES

to convene *ex parte* closed session status conferences with the Prosecutor and the Victims and Witnesses Unit, as follows:

- on Wednesday 17 and Friday 19 September from 09h30 to 13h00 and from 14h30 to 16h00 in the pre-trial courtroom.

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

[signed]

Judge Fatoumata Dembele Diarra

Single Judge

Dated this 10 September 2008

The Hague, The Netherlands