

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 20 October 2008

PRE-TRIAL CHAMBER III

Before: Judge Fatoumata Dembele Diarra (Presiding Judge)
Judge Hans-Peter Kaul
Judge Ekaterina Trendafilova

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

Confidential

**Notification to the Defence of the Prosecution's Applications and Submissions
regarding Redactions Pursuant to Rules 81(2) and 81(4) of the Rules of Procedure
and Evidence**

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. Nkwebe Liriss

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.
2. The Appeals Chamber determined that whenever an application pursuant to Rule 81(2) and 81(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 basis.²
3. 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 submissions:
 - i) "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 which was filed *ex parte* on 30 June 2008;
 - ii) "Prosecution's Application for Redaction Pursuant to Rules 81(2) and 81(4)"⁴ which was filed *ex parte* on 16 July 2008;
 - iii) "Prosecution's response to 'Ordonnance Relative à la Protection des Témoins et au Rapport d'Evaluation des Risques'"⁵ which was filed *ex parte* on 23 September 2008;

¹ ICC-01/04-01/06-568

² ICC-01/05-01/06-568, paragraphs 65 and 67.

³ ICC-01/05-01/08-32-US-Exp

⁴ ICC-01/05-01/08-44-US-Exp

⁵ ICC-01/05-01/08-119-US-Exp

- iv) "Prosecutor's Submission of Additional Information Demonstrating the Existence of an Objectively Identifiable Risk"⁶ which was filed *ex parte* on 26 September 2008;
- v) "Prosecution's Submission of Proposed Redacted Statement of Witness 0009"⁷ which was filed *ex parte* on 29 September 2008;
- vi) "Prosecutor's Amended Application for Proposed Summaries and Redactions Pursuant to Article 68(5) of the Rome Statute and Rules 81(2) and 81(4) of the Rules of Procedure and Evidence"⁸ which was filed *ex parte* on 1 October 2008.



Luis Moreno-Ocampo, Prosecutor

Dated this 20th day of October 2008

At The Hague, The Netherlands

⁶ ICC-01/05-01/08-122-US-Exp

⁷ ICC-01/05-01/08-124-US-Exp

⁸ ICC-01/05-01/08-131-US-Exp