

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 13 November 2008

PRE-TRIAL CHAMBER III

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Mauro Politi

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

Confidential

Decision on Re-classification

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

Nkwebe Liriss
Tjarda E. Van der Spoel
Aimé Kilolo-Musamba

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

1. **Pre-Trial Chamber III** (the “Chamber”) of the International Criminal Court (the “Court”) has scheduled the hearing on the confirmation of charges from 8 to 12 December 2008.¹

2. The Chamber notes articles 57(3)(c), 64, 67, 68(1) of the Rome Statute (the “Statute”) and regulation 14 of the Regulations of the Registry.

3. While the Chamber notes its obligation to provide for the protection and privacy of victims and witnesses in accordance with articles 57(3)(c) and 68(1) of the Statute, it also notes the rights of Mr Jean-Pierre Bemba Gombo (“Mr Jean-Pierre Bemba”) under article 67 of the Statute. In particular, the Chamber recalls the principle that the suspect should be in a position to properly prepare his defence.

4. Furthermore, the Chamber recalls its duty at the pre-trial stage to ensure that the confirmation of charges hearing is fair and conducted with full respect of the rights of the suspect. The Chamber considers thus that, with due regard for the protection of victims and witnesses concerned by the present case, *ex parte* decisions should be made available to the Defence in view of the forthcoming confirmation of charges hearing starting on 8 December 2008.

5. After having made a thorough assessment of its own decisions classified as *ex parte* under seal or *ex parte* confidential, the Chamber considers that the basis for the initial *ex parte* or under seal classification no longer exists at this stage since the content of these decisions is already known to the Defence after the disclosure took place. In instances where the Chamber’s decisions refer to documents which are still treated *ex parte* under seal or *ex parte* confidential, the Chamber carefully analysed if the references to such documents would prejudice their *ex parte* under seal or *ex parte*

¹ ICC-01/05-01/08-199.

confidential nature. The Chamber concludes that those references were limited and of a general nature and the documents concerned can thus be made accessible to the Defence.

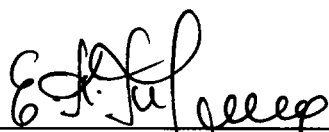
6. In light of the above, the Chamber is of the view that those decisions in both French and English versions should be re-classified as confidential.

FOR THESE REASONS, THE CHAMBER DECIDES

to re-classify as confidential the following decisions :

- (i) ICC-01/05-01/08-57-US-Exp., Decision on extension of time-limit;
- (ii) ICC-01/05-01/08-79-Conf-Exp., Decision convening a status conference;
- (iii) ICC-01/05-01/08-99-Conf-Exp., Décision portant convocation de conférences de mise en état concernant la Requête du Procureur aux fins d'expurgations;
- (iv) ICC-01/05-01/08-108-Conf-Exp., Décision relative à la Requête du Procureur aux fins d'expurgations pour les témoins 0009, 0033, 0038, 0022, 0023, 0029;
- (v) ICC-01/05-01/08-111-US-Exp., Ordonnance relative à la protection des témoins et au rapport d'évaluation des risques;
- (vi) ICC-01/05-01/08-121-US-Exp., Decision requesting further information on the security situation of certain witnesses.

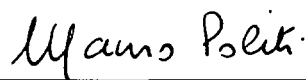
Done in both English and French, the English version being authoritative.



Judge Ekaterina Trendafilova
Presiding Judge



Judge Hans-Peter Kaul



Judge Mauro Politi

Dated this Thursday, 13 November 2008

At The Hague, the Netherlands