



Original: English

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

Date: 8 December 2008

PRE-TRIAL CHAMBER III

Before: Judge Ekaterina Trendafilova (Single Judge)

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

**Public
With Confidential Annexes**

Prosecution's Communication of Confidential Redacted Documents pursuant to the Pre-Trial Chamber III's Decision on Re-classification and Unsealing of Certain Documents dated 1 December 2008

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 of Jean-Pierre Bemba Mr Nkwebe Liriss Mr Karim Khan Mr Aimé 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 17 November 2008, the Pre-Trial Chamber III (the “Chamber”) issued a “Decision Requesting the Prosecutor, the Victims and Witnesses Unit and the Registry to Submit Observations on the Re-classification of Certain Documents”¹ (the “Chamber’s Decision”), in which the Office of the Prosecutor (the “Prosecution”), in consultation with the Victim and Witnesses Unit, was ordered to submit proposals on the communication to the Defence of a list of documents not yet available to the latter, including, where appropriate, proposals for redactions before such communication.
2. On 24 November 2008, the Prosecution, pursuant to the Chamber’s Decision², filed the “Prosecutor’s Observations on the Re-classification of the Documents Listed in Annex 1 of the Pre-Trial Chamber III’s Decision dated November 17, 2008”³ (the “Prosecution’s Observations”).
3. On 1 December 2008, the Single Judge issued the “Decision on Re-classification and Unsealing of Certain Documents”⁴ (the “Single Judge’s Decision”), ordering the Prosecution to file in the record of the Case a confidential redacted version of the documents listed in paragraph e), of this Decision.⁵
4. The Prosecution, in compliance with the Single Judge’s Decision⁶, submits, appended as Confidential Annexes, the confidential redacted version of the below documents, following the proposals for redactions contained in Annex 1 of the Prosecution’s Observations⁷:
 - Annex A: Confidential redacted version of ICC-01/05-01/08-32-US-Exp., entitled “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”;
 - Annex B: Confidential redacted version of ICC-01/05-01/08-32-US-Exp-AnxC., entitled “Draft French Translation of 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”

¹ ICC-01/05-01/08-257.

² ICC-01/05-01/08-257 at page 5, para (a).

³ ICC-01/05-01/08-277-Conf-Exp.

⁴ ICC-01/05-01/08-301.

⁵ ICC-01/05-01/08-301 at page 8, para (e).

⁶ Ibid.

⁷ ICC-01/05-01/08-277-Conf-Exp-Anx1.

- Annex C: Confidential redacted version of ICC-01/05-01/08-44-US-Exp., entitled “Prosecution's Application for Redaction Pursuant to Rules 81(2) and 81(4)”;
- Annex D: Confidential redacted version of ICC-01/05-01/08-91-US-Exp., entitled “Prosecutor's Position regarding Disclosure of Additional Witnesses for Referral to VWU in Response to Pre-Trial Chamber III's Order dated July 23, 2008”;
- Annex E: Confidential redacted version of ICC-01/05-01/08-114-US-Exp., entitled “Prosecution's Amended Application for Proposed Redactions Pursuant to Rules 81(2) and 81(4)”;
- Annex F: Confidential redacted version of ICC-01/05-01/08-122-US-Exp., entitled “Prosecutor's Submission of Additional Information Demonstrating the Existence of an Objectively Identifiable Risk”.



Luis Moreno-Ocampo, Prosecutor

Dated this 8th day of December 2008

At The Hague, The Netherlands