

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 23 July 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***

Public Document

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

**PUBLIC REDACTED VERSION OF ICC-01/05-01/08-48-US-Exp
Decision concerning the Prosecutor's proposals for redactions**

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 Väättäinen

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER III (the “Chamber”) of the International Criminal Court (the “Court”) has received applications of the Prosecutor for redactions under rules 81(2) and 81 (4) of the Rules of Procedure and Evidence (the “Rules”) dated 30 June 2008 and 16 July 2008 on the “Prosecutor’s Application for Warrant of Arrest under Article 58” (the “Prosecutor’s Application”)¹ against Jean-Pierre Bemba Gombo (“Mr Jean-Pierre Bemba”) and on the “Prosecutor’s Submission on Further Information and Materials” (the “Prosecutor’s Further Submission”)² and their respective annexes.

Procedural history

1. On 9 May 2008 the Prosecutor filed the Prosecutor’s Application, seeking *inter alia* issuance of a warrant of arrest against Mr Jean-Pierre Bemba. He supplemented it on request of the Chamber on 27 May 2008 by filing the Prosecutor’s Further Submission.
2. Upon the Prosecutor’s Application and the Prosecutor’s Further Submission, the Chamber issued against Mr Jean-Pierre Bemba a warrant of arrest³ on 23 May 2008 and another warrant of arrest⁴ on 10 June 2008, which replaced the warrant of 23 May 2008.
3. On 24 May 2008 the warrant of arrest was executed by the authorities of the Kingdom of Belgium. Mr Jean-Pierre Bemba was surrendered to the Court⁵ on 3 July 2008 and had his initial appearance⁶ before the Chamber on 4 July 2008.

¹ ICC-01/05-13-US-Exp.

² ICC-01/05-01/08-16-US-Exp.

³ ICC-01/05-01/08-1-ENG.

⁴ ICC-01/05-01/08-15.

⁵ ICC-01/05-01/08-38-Conf-Exp.

⁶ ICC-01/05-01/08-T-3-ENG.

4. Awaiting the surrender of Mr Jean-Pierre Bemba the Chamber held on 19 June 2008 in closed session an *ex parte* status conference⁷ with the Prosecutor and the Victims and Witnesses Unit (the “VWU”) on various matters including the protection of victims and witnesses.

5. In a decision⁸ dated 20 June 2008, the Chamber ordered the Prosecutor *inter alia* to make a proposal for the treatment of the Prosecutor’s Application and the Prosecutor’s Further Submission in view of the principle of publicity of proceedings and the necessity to protect victims and witnesses. In the same decision, the Chamber ordered the VWU to submit observations on the Prosecutor’s proposal.

6. On 30 June 2008 the Prosecutor filed 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” (the “Prosecutor’s Proposal for Redactions”)⁹ to which the VWU submitted its observations on 4 July 2008.¹⁰

7. On 16 July 2008 the Prosecutor filed the “Prosecutor’s Application for Redaction Pursuant to Rules 81(2) and 81(4)”, containing the proposed redactions in the respective annexes to the Prosecutor’s Application and the Prosecutor’s Further Submission (the “Prosecutor’s Further Proposal for Redactions”)¹¹. The VWU has been ordered to submit its observations thereto by 31 July 2008.¹²

The submissions

8. [REDACTED]¹³

⁷ ICC-01/05-01/08-T-2-CONF-EXP-ENG.

⁸ ICC-01/05-01/08-21.

⁹ ICC-01/05/01/08-31-US-Exp+Anxs.

¹⁰ ICC-01/05-01/08-39-US-Exp.

¹¹ ICC-01/05-01/08-44-US-Exp.

¹² ICC-01/05-01/08-21.

¹³ [REDACTED]

9. In the Prosecutor's Proposal for Redactions, he requests first of all that the Prosecutor's Proposal for Redactions and its annexes specifying the redactions that are actually proposed be treated under seal, *ex parte*, only available to the Prosecutor and the VWU, "since they relate to material that is currently under seal and *ex parte* and depicts information for which redactions are sought"¹⁴.

10. The Prosecutor then proposes to redact, under rules 81(2) and 81(4) of the Rules, all names and other identifying information concerning all victims and witnesses and their respective family members as well as some other persons mentioned in the Prosecutor's Application and the Prosecutor's Further Submission. His proposal for redactions also covers some other related information.

11. In so far as the Prosecutor relies on rule 81(4) of the Rules, he submits that the redactions are necessary to protect the safety of witnesses, victims and members of their families. He points out that at the present stage of the proceedings none of the prosecution witnesses referred to in the Prosecutor's Application and the Prosecutor's Further Submission is in the Court's Protection Program. The Prosecutor argues that, therefore, the disclosure of their identities might place them at risk.¹⁵

12. The Prosecutor further requests "a limited number of redactions" to protect "persons at risk on account of the activities of the Court"¹⁶ arguing that the disclosure of their identities might place them at an objectively justifiable risk as they could be erroneously perceived as prosecution sources or witnesses.¹⁷

13. In this respect, the Prosecutor submits that concealing the identity of the persons in question would reduce such risks and that no other less restrictive measures are

¹⁴ ICC-01/05/01/08-32-US-Exp, para. 3.

¹⁵ ICC-01/05-01/08-32-US-Exp, para 5.

¹⁶ ICC-01/05-01/08-32-US-Exp, para. 6.

¹⁷ ICC-01/05-01/08-32-US-Exp, para. 8.

applicable to these persons given that “the previous history [of Mr Jean-Pierre Bemba] reflects that he has intimidated people, and he would likely repeat such behaviour towards witnesses”.¹⁸

14. As for the remaining proposed redactions, the Prosecutor limits himself to claiming that they are necessary to protect information related to ongoing investigations pursuant to rule 81(2) of the Rules.¹⁹

15. In its submission of 4 July 2008, in response to the Prosecutor’s Proposal for Redactions, the VWU points out that until 4 July 2008 it has not received any application for protective measures from the Prosecutor in the present case.²⁰ It contends that, as a consequence, it is not in a position to endorse or reject the Prosecutor’s Proposal for Redactions²¹ and that it would be able to do so if provided with more information by the Prosecutor.²²

16. In the Prosecutor’s Further Proposal for Redactions, the Prosecutor seeks an order granting the redaction of information in the possession of the Prosecutor that is relevant to further and/or ongoing investigations pursuant to rule 81(2) of the Rules and an order granting the redaction and non-disclosure of the identities of witnesses and victims to the defence pursuant to rule 81(4) of the Rules.²³

17. With regard to the request for redactions under rule 81(2) of the Rules, the Prosecutor contends that his office is continuing the investigations into allegations of crimes committed in the CAR that are either contained in the warrant of arrest dated 10 June 2008 or go beyond the scope of the crimes reflected in the said warrant of

¹⁸ ICC-01/05-01/08-32-US-Exp, para. 10.

¹⁹ ICC-01/05-01/08-32-US-Exp, para. 12.

²⁰ ICC-01/05-01/08-39-US-Exp, p. 4, para 1.

²¹ ICC-01/05-01/08-39-US-Exp, p. 4, para 3.

²² ICC-01/05-01/08-39-US-Exp, p. 5, para 3.

²³ ICC-01/05-01/08-44-US-Exp, para. 2.

arrest and the disclosure of which to the defence “will prejudice these investigations”.²⁴

18. With regard to the request for redactions under rule 81(4) of the Rules, the Prosecutor submits that these redactions are sought for “economically and/or emotionally disadvantaged victim-witnesses and a significant number of ‘insider’ witnesses” and members of their families.²⁵ He further asserts that Mr “Jean-Pierre Bemba, with the support of the MLC and/or supporters, is likely to intimidate witnesses and has the capacity to do so, either directly or indirectly.”²⁶ Redactions are also sought to ensure the confidentiality of information in accordance with articles 54 (innocent third parties), 72 and 93 of the Rome Statute (the “Statute”).²⁷

19. Finally, the Prosecutor seeks again that “the statements and their respective annex(es) to this Application be received by Pre-Trial Chamber III as ‘Confidential’, Ex Parte Prosecutor and VWU Only’ as said documents relate to material that is currently under seal.”²⁸

Legal basis and jurisprudence

20. In accordance with article 21(1)(a) of the Statute, the Prosecutor’s Proposal for Redactions and the Prosecutor’s Further Proposal for Redactions will be examined primarily in light of articles 43(6), 54(3)(f), 64(2), 67 and 68(1) of the Statute and rules 16 to 19, 81(2) and 81(4) and 87 of the Rules. The Chamber also notes regulation 23*bis* of the Regulations of the Court.

21. According to article 21(2) of the Statute, the Chamber may also apply principles and rules of law as interpreted in the Court’s previous decisions. These include in

²⁴ ICC-01/05-01/08-44-US-Exp, paras 3 and 4.

²⁵ ICC-01/05-01/08-44-US-Exp, paras 5 and 8.

²⁶ ICC-01/05-01/08-44-US-Exp, para. 6.

²⁷ ICC-01/05-01/08-44-US-Exp, para. 8.

²⁸ OCC-01/05-01/08-44-US-Exp, para. 11.

particular the “Decision Establishing General Principles Governing Applications to Restrict Disclosure pursuant to Rule 81 (2) and (4) of the Rules of Procedure and Evidence”²⁹, the “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’”³⁰, the “Judgment on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled ‘First Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81’”³¹, the “Judgment on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled ‘Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81’”³²; the “Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I entitled ‘First Decision on the Prosecution Request for Authorisation to Redact Witness Statements’”³³ and the “Judgment on the appeal of Mr Germain Katanga against the decision of Pre-Trial Chamber I entitled ‘First Decision on the Prosecution Request for Authorisation to Redact Witness Statements’”³⁴.

22. Pursuant to article 21(3) of the Statute the Chamber will interpret and apply the relevant law in compliance with internationally recognised human rights.

23. The Chamber’s principal responsibility related to redactions prior to confirmation hearing is to ensure that the proceedings are fair and expeditious and that they are conducted with full respect for the rights of the defence and with due regard for the protection of victims and witnesses.

24. When dealing with the subject-matter of the present decision the Chamber is guided by the respective judgements of the Appeals Chamber related thereto. As a

²⁹ Pre-Trial Chamber I, ICC-01/04-01/06-108-Corr.

³⁰ Appeals Chamber, ICC-01/04-01/06-568.

³¹ Appeals Chamber, ICC-01/04-01/06-773.

³² Appeals Chamber, ICC-01/04-01/06-774.

³³ Appeals Chamber, ICC-01/04-01/07-475.

³⁴ Appeals Chamber, ICC-01/04-01/07-476.

general rule the Appeals Chamber held that “[t]he overriding principle is that full disclosure should be made.” Non-disclosure is an exception to this general rule and it requires prior authorisation by the Chamber pursuant to rule 81(4) of the Rules.³⁵ Furthermore, the Appeals Chamber repeatedly emphasised that any case of non-disclosure will require a careful assessment by the Pre-Trial Chamber on a case-by-case basis.³⁶

25. The jurisprudence of the Appeals Chamber established the criteria in respect of non-disclosure of the identity and identifying information of victims, witness and other persons at risk on account of activities of the Court, which comprise: (i) the danger caused by disclosure of their identity and whether non-disclosure could reduce that danger; (ii) the “necessity” of non-disclosure in the sense that less intrusive protective measures are not available; and (iii) proportionality of the non-disclosure in view of the prejudice caused thereby to the rights of the accused and a fair and impartial trial.³⁷ This test is further elaborated by the Appeals Chamber in a judgment dated 13 May 2008.³⁸ Non-disclosure of information is accepted with regard to the identity of individuals other than “victims, current or prospective Prosecution witnesses or sources, or members of their families”³⁹ and information “relating to the locations of interviews of witnesses and identifying information of staff members of the office of the prosecutor and of the Victims and Witnesses Unit present at those interviews.”⁴⁰

26. In addition, the Appeals Chamber stressed that any decision authorizing the non-disclosure to the defence must be supported by sufficient reasoning.⁴¹

³⁵ ICC-01/04-01/06-108-Corr and ICC-01/04-01/06-568, paras 1, 36 and 37; ICC-01/04-01/07-475, para. 60.

³⁶ ICC-01/04-01/06-568, paras 36 and 37; ICC-01/04-01/07-475, paras 2 and 66; ICC-01/04-01/07-476, paras 2, 52, 57, 58 and 65.

³⁷ ICC-01/04-01/06-773, paras 21, 33 and 34; ICC-01/04-01/07-475, paras. 67, 71-73; ICC-01/04-01/07-476, para. 59 and ICC-01/04-01/06-568, para. 37.

³⁸ ICC-01/04-01/07-475, paras 67-73. The same criteria were reiterated and applied *mutatis mutandis* by the Appeals Chamber in its second judgment of 13 May 2008 (ICC-01/04-01/07-476) dealing with the issue of non-disclosure related to “potential prosecution witnesses” (see paras 59 – 64 of the judgment).

³⁹ ICC-01/04-01/07-475, paras 1, 54 - 56.

⁴⁰ ICC-01/04-01/07-475, paras 91 and 93.

⁴¹ ICC-01/04-01/06-773, paras 1, 18, 20-23, 33, 34 and 53; ICC-01/04-01/07-774, paras 28, 30-33, 63 and 65.

27. Moreover, the Appeals Chamber found that, strictly speaking, there is no legal requirement in the statutory framework that the Prosecutor seek protective measures from the VWU before requesting authorisation of non-disclosure of the identity of a witness. Nevertheless, the Appeals Chamber recognized that in many situations it may be useful for the Prosecutor to ask the VWU for protective measures before making a request for redactions. The Prosecutor should resort to redactions only where it is clear that there is no alternative but to seek non-disclosure⁴².

28. The Chamber, furthermore, finds it necessary to point out the principles for the use of anonymous witnesses in the pre-trial stage of the proceedings. As acknowledged by the Appeals Chamber, for the purposes of the confirmation hearing, “[it] is not *per se* prejudicial or inconsistent with the rights of the accused and a fair and impartial trial”⁴³ if the Prosecutor relies on witnesses whose identities are unknown to the defence. However, bearing in mind the legal framework of the confirmation hearing, the Chamber notes the jurisprudence of the European Court of Human Rights which established that “even when ‘counterbalancing’ procedures are found to compensate sufficiently the handicaps under which the defence labours, a conviction should not be based either solely or to a decisive extent on anonymous statements.”⁴⁴

29. Finally, whenever an application pursuant to rules 81(2) and 81(4) of the Rules is filed *ex parte*, the other participant should in principle be made aware in a separate filing of the fact that such an application was filed as well as of its legal basis and,

⁴² ICC-01/04-01/06-568, para. 40.

⁴³ ICC-01/04-01/06-773, para. 50.

⁴⁴ European Court of Human Rights (ECtHR), case of *Doorson v. the Netherlands*, judgment of 26 March 1996, Reports 1996-II, para. 76; case of *Van Mechelen and others v. the Netherlands*, judgement of 23 April 1997, Reports of Judgements and Decisions 1997-II, paras 54 and 55; case of *Krasniki v. the Czech Republic*, no. 51277/99, judgement of 28 February 2006, paras 76, 78 and 79.

with respect to an application under rule 81(4), of any request for *ex parte* proceedings that might be contained in such an application.⁴⁵

Application of the relevant legal basis and jurisprudence to the present case

30. The Chamber will first address the Prosecutor's requests that the Prosecutor's Proposal for Redactions and the Prosecutor's Further Proposal for Redactions as well as their respective annexes be treated under seal, *ex parte*, only available to the Prosecutor and the VWU. It notes that such a classification was foreseen by the Chamber when it ordered the Prosecutor to make a proposal for redactions⁴⁶. Furthermore, as the Prosecutor's Proposal for Redactions and the Prosecutor's Further Proposal for Redactions refer to documents and decisions that are currently "ex parte" and "under seal", this classification applies automatically to both documents concerned. The Chamber finds no reason for ordering that the Prosecutor's Proposal for Redactions and the Prosecutor's Further Proposal for Redactions and their respective annexes be treated otherwise and considers that, in the present circumstances, no separate ruling is needed on this matter.

31. The Chamber further considers that the Prosecutor's Proposal for Redactions of 30 June 2008 and the Prosecutor's Further Proposal for Redactions of 16 July 2008 which concern all identifying information concerning all victims, witnesses and some other persons mentioned in his previous submissions, [REDACTED].

32. As to the reasons submitted by the Prosecutor in support of the Prosecutor's Proposal for Redactions under rule 81(4) of the Rules, summarised in paragraphs 11 to 14 above, the Chamber notes that the Prosecutor has not substantiated his assertions by reference to any concrete facts, circumstances or analysis that could be

⁴⁵ ICC-01/04-01/06-108-Corr, upheld by ICC-01/04-01/06-568, paras 65 and 67; ICC-01/04-01/07-475, para. 73b).

⁴⁶ ICC-01/05-01/08-21, p. 6.

judicially reviewed and verified. The same applies to the Prosecutor's Further Proposal for Redactions.

33. While the Prosecutor has provided some information on which the Chamber will base its assessment to authorize redactions, the Chamber considers that the information provided is at times too general in nature and/or not sufficient. In particular, the Prosecutor has submitted nothing to show what are the cause, nature, extent, level and imminence of the risks in question and how these factors have been established. By way of example, the Chamber is not convinced by the information submitted so far that the disclosure to the defence of the identity of two witnesses, [REDACTED] and for whose protection redactions are sought, would pose an objectively justifiable risk to their safety. He has equally not submitted any indication that alternatives to non-disclosure have been considered and, if so, why they were considered unfeasible. On the latter point, it further has to be noted that the Prosecutor has not sought assistance from the VWU which, pursuant to article 43(6) of the Statute, is the body of the Court specialised in protection of victims and witnesses.

34. The Chamber also takes this opportunity to raise the question of the use of anonymous witnesses at the confirmation hearing. Whereas the Appeals Chamber has in principle confirmed that the use of anonymous witnesses at the confirmation hearing "is not per se inconsistent with the rights of the accused and a fair and impartial trial", the Chamber notes that the Prosecutor requests redactions in the statements of *all fourteen* witnesses he has submitted to date. Bearing in mind that these statements represent the core evidence of the Prosecutor submitted to the Chamber so far, and the right of the defence according to article 61(6) of the Statute to challenge effectively the evidence presented by the Prosecutor, the Chamber considers it problematic to accept this general approach by the Prosecutor.

35. As for the redactions proposed under rule 81(2) of the Rules, the Chamber notes that the Prosecutor has limited himself to quoting the legal classification of such redactions without providing any explanation or link to any facts at all.

36. In view of the Chamber, the above observations lead to the conclusion that the factual information and explanations submitted by the Prosecutor in support of his requests for redactions are insufficient.

37. As a result, the Chamber is not in a position to assess the proposals properly under the criteria established by the Appeals Chamber and to reach a decision reasoned in accordance with the standards upheld by the Appeals Chamber and compatible with internationally recognised human rights⁴⁷.

38. In this context the Chamber also points out that submitting procedural motions without appropriate substantiation may compromise the proceedings, in particular by causing delays and other infringements on the rights of the person against whom the proceedings are held, the seriousness of which is even greater if that person is deprived of liberty.

39. In view of the above, the Chamber will not consider the submitted proposals for redactions unless and as long as not provided with detailed information concerning the security situation of each and every witness, whom the Prosecutor intends to rely on at the confirmation hearing, and with an explanation why the redactions are proposed and why they should be the only sufficient protective measure.

40. On this note, in order for the Chamber to comply with the aforesaid criteria of the Appeals Chamber, the Prosecutor's requests for redactions should reflect the Appeals Chamber's criteria related to his applications, that is to say: (i) to outline the

⁴⁷ See, for example, ECtHR, case of *Hadjianastassiou v. Greece*, judgment of 16 December 1992, Series A no. 252, § 33; case of *Ruiz Torija v. Spain*, judgment of 9 December 1994, Series A no. 303-A, § 29 and case of *Perez v. France* [GC], no. 47287/99, §§ 80 and 81, ECHR 2004-I.

legal basis of every individual redaction; (ii) to explain and analyse every individual fact justifying the proposed protective measure; (iii) to assess properly the feasibility and appropriateness of all protective measures available; (iv) to establish that non-disclosure is the only appropriate measure; and (v) to show that the redactions are limited to those which are strictly necessary with regard to the rights of the suspect.

41. The Prosecutor should resubmit his requests for redactions so that the Chamber can assess the affected witness statements in their entirety. In so doing, the information mentioned in the previous paragraphs should be submitted with utmost urgency so as not to cause further delays in the proceedings and potential postponements of the confirmation hearing. With a view to preventing delays of proceedings and under the present circumstances of the case (see paragraph 33), the Chamber considers it necessary that, when making the assessment, the Prosecutor take into account the expertise and advice of the VWU as envisaged in articles 43(6) and 68(4) of the Statute. In this context, it should be emphasised that cooperation among the organs of the Court and exhaustion of their resources and experience is crucial for ensuring the efficient and expeditious conduct of the proceedings with full respect for the rights of the defence and with due regard for the protection of victims and witnesses.

42. Thus, in case the Prosecutor decides to refer a witness to the VWU, he should provide the unit with all relevant information at his disposal in order to enable it to make a complete and efficient assessment of that witness's situation and to take appropriate protective measures in due time.

43. If the Prosecutor decides not to refer a witness to VWU the Chamber reiterates its power to have the assessment of the Prosecutor reviewed by the VWU.

44. When making an *ex parte* application for redactions under rules 81(2) and 81(4) of the Rules, the Prosecutor should consider making a filing as mentioned in paragraph 29 above.

45. Finally, the Chamber is of the view that in the present circumstances the usefulness of any observations by the VWU on the Prosecutor's Further Proposal for Redactions would be limited. The time-limit for the VWU to submit such observations should therefore be suspended.

FOR THESE REASONS, THE CHAMBER

(a) **orders** the Prosecutor to consult immediately with the VWU and to provide VWU with all relevant information at the Prosecutor's disposal in order to establish which measures of protection are currently available for the individual persons concerned by the proposed redactions in conformity with rule 81(4) of the Rules and whether non-disclosure of the identity of the persons in question is the only appropriate measure under the current circumstances;

(b) **orders** the Prosecutor to complete his assessment, taking into consideration the observations of VWU, by 31 July 2008 and to inform accordingly the Chamber (i) whether he has decided to refer the persons mentioned in his Application or in his Further Submission and their annexes to the VWU, (ii) who these persons are, and (iii) what the reasons are for this referral or non-referral of such persons to the VWU;

(c) **orders** the Prosecutor (i) to proceed as indicated in (a) and (b) above in respect of any witness, not mentioned in his Application or his Further Submissions or their annexes, on the statement of whom he intends to rely at the confirmation hearing scheduled for 4 November 2008, and (ii) to inform the Chamber at the latest by 4

September 2008, who the other persons referred to the VWU and what the reasons for their referral or non-referral are;

(d) **orders** the Prosecutor to submit by 31 July 2008 a proposal for redactions on the Prosecutor's Application and the Prosecutor's Further Submission with their respective annexes, substantiated properly with the applicable standards as summarized and developed in the present decision, taking into account the outcome of the consultations with the VWU;

(e) **orders** the Prosecutor to apply the standards summarized and developed in the present decision accordingly to any further proposals for redactions in the present case;

(f) **decides** that the time-limit for the VWU to submit its observations to the Prosecutor's Further Proposal of Redactions is suspended until further notice.

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

Judge Fatoumata Dembele Diarra
Presiding Judge

Judge Hans-Peter Kaul

Judge Ekaterina Trendafilova

Dated this 23 July 2008

At The Hague, The Netherlands