



Original: **English**

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

Date: **16 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 Redacted Version of ICC-01/05-01/08-44-US-Exp
Prosecution's Application for Redaction Pursuant to Rules 81(2) and 81(4)**

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

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

Defence Support Section

Ms Silvana Arbia

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations
Section

Other

1. The Office of the Prosecutor (hereinafter referred to as "Prosecution") respectfully submits this Application (hereinafter referred to as "Application") pursuant to Rule 81(2) and 81(4) of the Rules of Procedure and Evidence (hereinafter referred to as "Rules") pursuant to the Order of Pre-Trial Chamber III dated 20 June 2008.¹

2. The Prosecution files the present Application seeking:

- (i) an Order granting the redaction of information in the possession of the Prosecutor that is related to further and/or ongoing investigations pursuant to Rule 81(2) of the Rules of Procedure and Evidence (hereinafter referred to as "Rules"); and
- (ii) an Order granting the redaction and non-disclosure of the identities of witnesses and victims from the Defence of Jean-Pierre BEMBA pursuant to Rule 81(4) of the Rules.

Ongoing Investigations Pursuant to Rule 81(2) of the Rules

3. The Office of the Prosecutor (hereinafter referred to as "OTP") is continuing its investigations into allegations of crimes committed in the Central African Republic that are (i) contained in the warrant of arrest against Jean-Pierre Bemba and/or (ii) go beyond the scope of the crimes reflected in the warrant of arrest against Jean-Pierre BEMBA. The OTP asserts that these crimes are considered the subject of further and/or ongoing investigations pursuant to Rule 81(2) of the Rules.

¹ ICC-01/05-01/08-21

4. The OTP asserts that disclosure to the Defence of Jean-Pierre BEMBA of information relevant to further and/or ongoing investigations will prejudice these investigations. For the purposes of this submission, OTP defines the Defence of Jean-Pierre BEMBA as including any and all individuals that are participating in his defence. For this reason, disclosure of information to the Defence of Jean-Pierre BEMBA is essentially disclosure to Jean-Pierre BEMBA himself, and should be treated in the same manner.

Protection of the Safety of Witnesses and Victims and Members of their Families
Pursuant to Rule 81(4) of the Rules

5. The OTP has concerns about the safety and security of its witnesses, many of which are economically and/or emotionally disadvantaged victim-witnesses and a significant number of [REDACTED].

6. The Prosecution asserts that 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.

Witness statements

7. The OTP has prepared a Table for each witness statement and corresponding annex(es), if applicable. The Table tracks and refers to (i) each redaction by page number, (ii) the corresponding rule justifying redaction and (iii) designates the color used for each redaction.

8. The color code is as follows:

Blue: Redactions pursuant to Rule 81(2) that relate exclusively to the further and/or ongoing investigation against Jean Pierre BEMBA GOMBA for crimes described in the Arrest Warrant.

Red: Redactions pursuant to Rule 81(4), to ensure the confidentiality of information, in accordance with Articles 54 (innocent third parties), 72 and 93, and, in accordance with Article 68, to protect the safety of witnesses and victims and members of their families.

9. The Table is meant to be utilized as a tool to assist Pre-Trial Chamber III in the review of each statement.

10. The OTP submits to Pre-Trial Chamber III 14 redacted statements and their related annex(es), if applicable, of the following witnesses:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

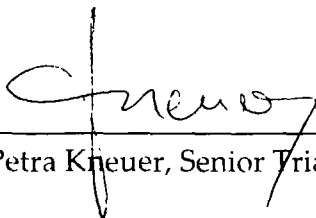
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Request for sealing

11. The Prosecution requests 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.

12. For the reasons set forth above, the Prosecution respectfully requests Pre-Trial Chamber III to authorize the proposed redactions in the witness statements, in order to enable the Prosecution to disclose them in their redacted form to the Defence.



Petra Kneuer, Senior Trial Lawyer

Dated this 16th day of July 2008

At The Hague, The Netherlands