



Original: **English**

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

Date: **7 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**

**Public Redacted Version of ICC-01/05-01/08-139-Conf-Corr  
With Confidential Annex A**

**Corrigendum to "Prosecution's Communication of disclosure of incriminating  
evidence pursuant to the Second Decision on the Prosecutor's requests for  
redactions dated 1 October 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**

Nkwebe Liriss

Tjarda E. Van der Spoel

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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

Simo Vaatainen

**Detention Section**

**Victims Participation and Reparations Section**      **Other**

## I. Introduction

1. The Prosecution respectfully informs the Pre-Trial Chamber III (hereinafter referred to as "PTC III") that the name of the witness identified as Witness 0029 (hereinafter referred to as "Witness 29") in Annex A, whose identity has not been authorised for disclosure to the Defence, was inadvertently included in the List of Disclosed Materials (hereinafter referred to as "Annex A") filed with the Prosecution's Communication of disclosure of incriminating evidence pursuant to the Second Decision on the Prosecutor's requests for redactions dated 1 October 2008<sup>1</sup>. Annex A was not a public document, and therefore disclosed only to the Defence.

## II. Security Update of Number 0029

2. In order to monitor the risk that might have arisen from this disclosure, the Prosecution is in the process of contacting Witness 0029 and informing her of the disclosure of her identity to the Defence. [REDACTED]  
[REDACTED] The Prosecution will also maintain regular contact with Witness 0029 to ensure that the Prosecution is aware of, and capable of, responding to any changes to her situation.
3. The Prosecution has informed the Victim and Witness Unit of the above mentioned inadvertent disclosure to the Defence.

## III. Correction Sought

4. On 31 August 2008<sup>2</sup> and 22 September 2008<sup>3</sup> (hereinafter referred to as "Prior Orders"), the PTC III requested that the Defence keep the information disclosed confidential and to ensure that it is not passed on to the public.
5. Article 8(4) of the Code of Professional Conduct for Counsel states:

<sup>1</sup> The Prosecution's disclosure included one hard copy and three DVD's.

<sup>2</sup> ICC-01/05-01/08-85-Conf.

<sup>3</sup> See para. 10, ICC-01/05-01/08-117-Conf.

“...Counsel shall not reveal the identity of protected victims and witnesses, or any confidential information that may reveal their identity and whereabouts, unless he or she has been authorized to do so by an order of the Court.”

6. Pursuant to PTC III's Prior Orders and Article 8(4) of the Code of Professional Conduct for Counsel, the Prosecution respectfully requests:
  1. That the PTC III orders the Defence not to disclose Annex A and/ or the name of Witness 0029 to the Accused, and not to use this information in any way;
  2. That in addition, the PTC III grants any other remedy it deems appropriate.
7. Attached to this Corrigendum are electronic and hard copy versions of Amended Annex A, List of Disclosed materials that were provided to the Defence.
8. Accordingly, the Prosecution hereby resubmits the Confidential-Prosecution and Defence only Annex to the Prosecution's communication of disclosure of incriminating evidence pursuant to the second decision on the Prosecutor's requests for redactions dated 1 October 2008.

#### IV. **Request for Confidentiality**

9. The Prosecution requests that this filing and the attached annex be received by the Chamber as Confidential to the Prosecution, Defence and Victim Witness Unit as reflected in the Prosecution's communication of disclosure of incriminating evidence pursuant to the second decision on the Prosecutor's requests for redactions dated 1 October 2008.




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**Luis Moreno-Ocampo, Prosecutor**

Dated this 7 day of October 2008

At The Hague, The Netherlands