

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/08**
Date: **27 October 2008**

PRE-TRIAL CHAMBER III

Before: Judge Hans-Peter Kaul
Judge Mauro Politi
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-01/05-01/08-190-US-Exp
Prosecution's Submissions of Information concerning Witness 0022, Witness 0029 and
Witness 0006**

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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Mr Simo Väätäinen

Detention Section

**Victims Participation and Reparations
Section**

Other

Procedural Background

1. On 1 October 2008 the Pre-Trial Chamber III (hereinafter referred to as “PTC”) issued its “Second Decision on the Prosecutor’s requests for redactions” (hereinafter referred to as “The Decision”), in which the Prosecution’s requests for redactions to the witness statements and related documents, concerning, *inter alia*, witness 0022, witness 0029, witness 006, were partially granted.¹
2. In compliance with the above-mentioned decision, on 3 October 2008 the Office of the Prosecutor (hereinafter referred to as “Prosecution”) filed with the PTC 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”,² with attached the List of Disclosed Materials as Annex A, in which the witness statements with authorized redactions, disclosed to the Defence on 3 October 2008, were listed, including that of witness 0022, witness 0029 and witness 0006.³
3. On 21 October 2008, the PTC issued its “Decision on the Implementation of the Second Decision on the Prosecutor’s requests for redactions” (hereinafter referred to as “The Decision”). In The Decision, PTC noted that several ordered redactions were not implemented by the Prosecution with respect to witness 0022, witness 0029 and witness 0006. The PTC ordered the Prosecution to carry out a risk assessment in consultation with the VWU with regard to witness 0022, witness 0029 and witness 0006, and to report to PTC III no later than 27 October 2008.
4. After meeting and consulting with the Victims and Witnesses Unit (hereinafter referred to as “VWU”) in compliance with The Decision, the Prosecution hereby submits the following information to the PTC. The Prosecution and the VWU concur that the safety measures presently in place with respect to witness 0022, witness 0029 and witness 0006 remain appropriate and adequate.

¹ ICC-01/05-01/08-135-Conf

² ICC-01/05-01/08-139-Conf

³ ICC-01/05-01/08-139-Conf-Anx A

Security Situation of Witness 0022

5. As stated in the Individual Risk Assessment, which is attached to this submission as Annex 1, Witness 0022 is a crime based witness whose relationship with the International Criminal Court (hereinafter referred to as "ICC") has been kept confidential to date, thus protecting her from threat, intimidation and any other malicious act to date.

6. [REDACTED] Furthermore, other measures have been put in place, [REDACTED]
[REDACTED]

7. Such measures remain adequate, [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

Security Situation of Witness 0029

8. As stated in the Individual Risk Assessment, which is attached to this submission as Annex 2, Witness 0029 was victim of sexual violence at her parents' home in Mongoumba, a small village on the island of Libengue, across the Oubangui River in the Democratic Republic of Congo, in March 2003.

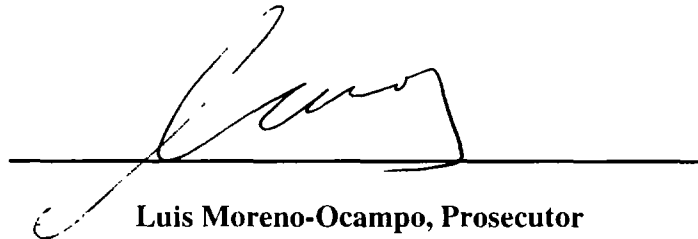
9. The granting of redactions to her statement had protected her. [REDACTED]
[REDACTED] Furthermore, other measures have been put in place, [REDACTED]
[REDACTED]

10. The safety measures presently in place for Witness 0029 remain adequate [REDACTED]
[REDACTED]
[REDACTED]

Security Situation of Witness 0006

11. As stated in the Individual Risk Assessment, which is attached to these submissions as Annex 3, Witness 0006 is an overview witness [REDACTED] crimes that took place in the CAR in 2002 and 2003. The granting of redactions to his statement had protected him. [REDACTED]
[REDACTED]

12. The safety measures presently in place for Witness 0006 remain adequate [REDACTED]
[REDACTED]



Luis Moreno-Ocampo, Prosecutor

Dated this 27th day of October 2008

At The Hague, The Netherlands