

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: **17 March 2010**

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio-Benito
Judge Joyce Aluoch

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

Public document

**With Confidential Annexes A and B and Confidential, *Ex Parte*, Prosecution and
Victims and Witnesses Unit only Annexes C and D**

**Prosecution's Request to Apply Redactions to Audio-Video Recordings of Statements
Already Disclosed to the Defence**

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

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I. Introduction

1. On 1 February 2010, the Defence communicated to the Office of the Prosecutor (“the Prosecution”) a letter containing a request for disclosure of all relevant audio-video materials collected by the Prosecution.¹ Pursuant to the said request, the Prosecution identified 47 audio/video recordings of interviews related to three witnesses² whose statements were previously disclosed to the Defence in a redacted form. The Prosecution seeks to apply minimal redactions to 25 recordings.³

II. Request for Confidentiality

2. The Prosecution requests that appended annexes A and B be received by Trial Chamber III (“the Chamber”) as “Confidential” as they contain confidential information not known to the public. The Prosecution further requests that appended annexes C and D be received by the Chamber as “Confidential, *Ex Parte*, Prosecution and Victims and Witnesses Unit Only”, as they contain some information pertaining to the imposition of redactions, communication of which to the Defence would defeat the object and purpose of the application. In addition, the Prosecution notes that pursuant to the Rules of Procedure and Evidence (“Rules”), applications under Rule 81(2) of the Rules “shall be heard on an *ex-parte* basis”.⁴

III. Prosecution’s Request

3. The Prosecution’s requested redactions are in line with redactions already applied to the transcripts of the recorded interviews and consistent with past practice.⁵ In particular, the

¹ Letter of the Defence titled “Demande de divulgation et de clarification sur des pressions alléguées sur des témoins”, dated 1 February 2010. (See Annex A appended to this filing) to which the Prosecution responded on 5 February 2010 (See Annex B appended to this filing).

² The 47 recordings concern interviews of witnesses CAR-OTP-WWWW-0007, CAR-OTP-WWWW-0040 and CAR-OTP-WWWW-0046. The proposed redactions concern only 25 recordings for two witnesses: CAR-OTP-WWWW-0040 and CAR-OTP-WWWW-0046.

³ The proposed redactions concern only 25 recordings for two witnesses: CAR-OTP-WWWW-0040 and CAR-OTP-WWWW-0046, as detailed in Annexes C and D.

⁴ Rule 81(2) of the Rules states: “[...] the prosecutor may apply to the Chamber dealing with the matter for a ruling as to whether the material or information must be disclosed to the defence. The matter shall be heard on an *ex-parte* basis by the Chamber.”

⁵ ICC-01/05-01/08-572-Conf-Exp + Conf-Exp-Anxs.

Prosecution relies on the “Order on disclosure of evidence by the Office of the Prosecutor”⁶ in which the Chamber ordered the disclosure of redacted material as requested by the Prosecution, pending a decision of the Chamber, in the interest of expediency and to allow the Defence adequate time to prepare for trial.⁷

4. Some redactions are sought pursuant to Articles 68(1) and 54(3)(f) of the Rome Statute and Rule 81(4) of the Rules as they are necessary to protect the personal security and privacy of the witnesses and their family members. Other redactions are based on Rule 81(2) of the Rules as they are necessary to protect future investigations and concern the names of field staff.

5. Considering the nature of the audio-video materials subject to this application, redactions are sought to be applied in the form of voice distortion to the specific parts revealing the protected information and image distortion to the face of field staff present during the interviews.

IV. Relief Sought

6. In light of the foregoing, the Prosecution respectfully requests the Chamber to authorize the proposed redactions as submitted in annexes C and D of this application.



Luis Moreno-Ocampo, Prosecutor

Dated this 17th Day of March 2010

At The Hague, The Netherlands

⁶ ICC-01/05-01/08-590.

⁷ ICC-01/05-01/08-590, paragraph 6.