

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 13 May 2011

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

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

Confidential Document

Prosecution's Response to "Defence request for the reclassification of documents"

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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Ms Marie-Edith Douzima-Lawson

Mr Assingambi Zarambaud

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

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Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

1. On 21 April 2011, the Defence filed its "Defence request for the reclassification of documents" ("Defence request").¹ The Defence requested Trial Chamber III ("Chamber") to reclassify as public the following documents: CAR-OTP-0004-0065 (*"Réquisitoire de non lieu partiel et de renvoi devant la cour criminelle"*); CAR-OTP-0042-0237 (*"Note de service"*); CAR-OTP-0019-0234 (*"Procès verbal d'audition de témoin"*); CAR-OTP-0019-0245 (*"Procès verbal d'audition de témoin"*); CAR-OTP-0004-0265 (*"Procès verbal d'audition de témoin"*); CAR-OTP-0019-0207 (*"Procès verbal d'interrogatoire"*); CAR-OTP-0019-0215 (*"Procès verbal d'interrogatoire"*); CAR-OTP-0019-0230 (*"Procès verbal d'interrogatoire"*); and CAR-OTP-0001-0539 (*"Procès verbal d'audition de victime"*). The Defence also requested that the relevant portions of the transcript related to the above documents be reclassified as public. Additionally, during their examination of Witness 9, the Defence relied on CAR-OTP-0019-0211² (*"Procès verbal d'interrogatoire"*) and CAR-OTP-0019-0237³ (*"Procès verbal d'audition de témoin"*), which are confidential documents.

2. The Office of the Prosecutor ("Prosecution") does not oppose the Defence request to reclassify as public the following proposed documents: CAR-OTP-0004-0065;⁴ CAR-OTP-0042-0237; CAR-OTP-0019-0234; CAR-OTP-0019-0245; CAR-OTP-0004-0265; CAR-OTP-0019-0207; CAR-OTP-0019-0215; and CAR-OTP-0019-0230. Additionally the Prosecution does not oppose the public reclassification of CAR-OTP-0019-0211 and CAR-OTP-0019-0237. As previously stated on the record,⁵ the Prosecution's position is that the views of the Central African Republic Authorities should be sought before the Chamber makes its final determination. To this end, the Prosecution has sent a request to the Central African Republic Authorities and awaits their response.

¹ ICC-01/05-01/08-1380-Conf, 21 April 2011.

² ICC-01/05-01/08-T-106-CONF-ENG ET, 9 May 2011, p. 12, line 6 to p. 18, line 21.

³ ICC-01/05-01/08-T-106-CONF-ENG ET, 9 May 2011, p. 39, line 15 to p. 43, line 3.

⁴ CAR-OTP-0004-0065 is a public document. See ICC-01/05-01/08-721-Anx26, 15 March 2010.

⁵ ICC-01/05-01/08-T-106-CONF-ENG ET, 9 May 2011, p. 5, line 2 to p. 6, line 23.

3. In relation to the remaining document (CAR-OTP-0001-0539) the Prosecution does not oppose the Defence request as long as redactions are applied to information within the document that bears on the identity of victims, including victims who are listed in the Bangui court documents but are not Prosecution witnesses.⁶

4. The Prosecution does not oppose the Defence request to reclassify as public the relevant portions of the transcript in relation to the above documents as long as the transcript reflects any redactions placed on information within the documents.

5. Since CAR-OTP-0004-0065 is an annotated version of the document the Prosecution requests that the Chamber reclassify as public CAR-OTP-0019-0087, the unannotated version of the same document, and use CAR-OTP-0019-0087 in future proceedings.

6. Pursuant to Regulation 23*bis* (2) of the Regulations of the Court, the Prosecution requests that this submission be received by the Chamber as Confidential as it responds to a document that was filed by the Defence as Confidential.



Luis Moreno-Ocampo, Prosecutor

Dated this 13th Day of May 2011

At The Hague, The Netherlands

⁶ ICC-01/05-01/08-1368-Conf, 31 March 2011, at para. 10.