

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 February 2012

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***

Public

Order on the lifting of redactions in prosecution filings

Order to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo Musamba

Legal Representatives of the Victims

Ms Marie-Edith Douzima Lawson
Mr Assingambi Zarambaud

Legal Representatives of the 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

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber III (“Trial Chamber” or “Chamber”) of the International Criminal Court (“Court” or “ICC”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Bemba case”) issues the following Order on the lifting of redactions in prosecution filings.

1. On 15 December 2011, the Chamber issued its First decision on the prosecution and defence requests for the admission of evidence,¹ in which it ruled upon the requests for the admission into evidence of items discussed, *inter alia*, in the following filings:
 - a. Prosecution’s submission of the list of materials it requests to be admitted into evidence, 14 June 2011, ICC-01/05-01/08-1514, and confidential annex;
 - b. Prosecution’s Response to the Defence’s “Liste des documents que la Défense entend faire valoir comme éléments de preuve conformément à l’ordonnance de la Chambre du 31 mai 2011”, 21 June 2011, ICC-01/05-01/08-1557-Conf, and confidential annex;
2. On 5 January 2012, considering that certain information contained in the abovementioned filings did not warrant confidential treatment, the Chamber *inter alia* ordered the Office of the Prosecutor (“prosecution”), to file no later than 20 January 2012 redacted versions of the said filings, or inform the Chamber that redactions were not necessary.

¹ First decision on the prosecution and defence requests for the admission of evidence, 15 December 2011, ICC-01/05-01/08-2012-Conf, and Public redacted version of the First decision on the prosecution and defence requests for the admission of evidence, dated 15 December 2011, 09 February 2012, ICC-01/05-01/08-2012-Red.

3. On 20 January 2012, the prosecution filed public redacted versions of filings ICC-01/05-01/08-1514-AnxA-Conf ² and ICC-01/05-01/08-1557-Conf and confidential Annex.³
4. In the Chamber's view, the following information redacted by the prosecution does not warrant confidential treatment:
 - a. The titles of the two articles provided by expert Witness 229 (Dr. André Tabo), "*Ces maux sans mots: l'impact des violences sexuelles subies par les femmes centrafricaines*" and "*Quels problèmes sanitaires posent les violences chez les femmes, lors des conflits armés? L'Expérience de Bangui, Centrafrique*", cited at pages 15 and 16 of ICC-01/05-01/08-1514-AnxA-Red. In the view of the Chamber, these articles do not require confidential treatment since both were publicly discussed in court,⁴ both are registered in ecourt as public documents,⁵ and both were published in scientific journals.⁶
 - b. The source of two reports used by the defence in its questioning of Witnesses 119 and 229, cited at page 8 of ICC-01/05-01/08-1557-AnxA-Red. In the view of the Chamber, neither reports require confidential treatment since both were publicly discussed in court,⁷ both are registered in ecourt as public documents,⁸ and both are publicly available online.⁹

² ICC-01/05-01/08-1514-AnxA-Red.

³ ICC-01/05-01-1557-Red and ICC-01/05-01/08-1557-AnxA-Red.

⁴ See Transcript of hearing on 13 April 2011, ICC-01/05-01/08-T-100-ENG ET, page 43 lines 6-8 (for CAR-OTP-0065-0178); Transcript of hearing on 13 April 2011, ICC-01/05-01/08-T-100-ENG ET, page 43, lines 4-6 (for CAR-OTP-0065-0173).

⁵ Documents CAR-OTP-0065-0173 and CAR-OTP-0065-0178.

⁶ *Perspectives Psy*, Volume 48, number 4, Octobre-Décembre 2009, p. 348-352; and *Clinics in Mother and Child Health*, Volume 5, number 2, November 2008, pp. 887-919.

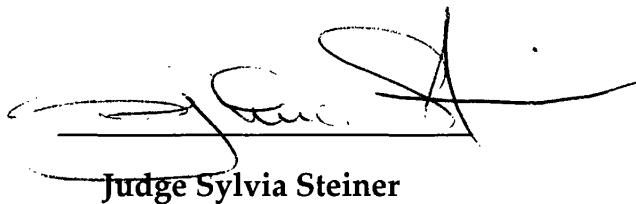
⁷ See Transcript of hearing on 14 April 2011, ICC-01/05-01/08-T-101-ENG ET, page 31, lines 15-24 (for CAR-D04-0002-1090); Transcript of hearing on 14 April 2011, ICC-01/05-01/08-T-101-ENG ET, page 38, line 12 until page 39, line 20 and page 49, lines 21-24 (for CAR-DEF-0002-1095).

⁸ Documents CAR-D04-0002-1090 and CAR-DEF-0002-1095.

⁹ See <http://www.cf.undp.org/pub-crise-rel.htm> and http://www.cf.undp.org/Doc_pdf/AVANT.pdf.

5. For the reasons set out above, and consistent with the principle of public proceedings enshrined in Articles 64(7) and 67(1) of the Rome Statute ("Statute") and pursuant to Article 64(6)(f) of the Statute, the Chamber ORDERS the prosecution to file revised versions of the public redacted versions of ICC-01/05-01/08-1514-AnxA-Red and ICC-01/05-01/08-1557-AnxA-Red, lifting the redactions referred to in paragraph 4 above.

Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 13 February 2012

At The Hague, The Netherlands