

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 19 November 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**

URGENT

**Confidential, *ex parte*, Duty Counsel, Registry, Defence and Office of the
Prosecution only**

**Decision requesting the VWU's observations on the « Demande de mesures de
protection en faveur du témoin D04-49 (Règle 87-1 du Règlement de
procédure et de preuve) »**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Petra Kneuer

Counsel for the Defence

Mr Aimé Kilolo Musamba

Mr Peter Haynes

Legal Representatives of the Victims

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

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Ms Maria-Luisa Martinod-Jacome

Detention Section

Victims Participation and Reparations Section

Other

Mr Ghislain M. Mabanga

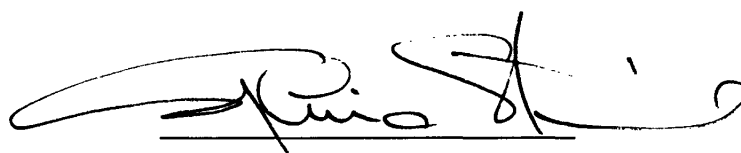
Trial Chamber III ("Chamber") of the International Criminal Court in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Decision requesting the VWU's observations on the « Demande de mesures de protection en faveur du témoin D04-49 (Règle 87-1 du Règlement de procédure et de preuve) »

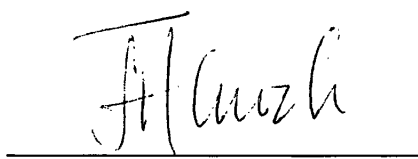
1. On 16 November 2012, Maître Ghislain M. Mabanga, the duty counsel appointed by the Registry in order to ensure that witness CAR-D04-PPPP-0049 ("Witness D04-49") was notified and informed of the provisions of Rule 74 of the Rules of Procedure and Evidence ("Rules"),¹ filed the « Demande de mesures de protection en faveur du témoin D04-49 (Règle 87-1 du Règlement de procédure et de preuve) » ("Request"),² in which he requested the Chamber to order the relocation of the witness and his family once his testimony before the Chamber has been provided; or, in the alternative, to invite the Victims and Witnesses Unit ("VWU") to report to the Chamber on the potential risks that can be encountered by the witness upon return to his country of origin and on the protective measures that could be adapted to the particular situation of the witness.
2. In order to issue an informed decision on the matter, the Chamber finds it necessary to hear the VWU's observations on the duty counsel's Request and allegations. Thus, in accordance with Article 21 of the Rome Statute ("Statute") and consistent with its obligation to protect the safety, physical and psychological well-being, dignity and privacy of witnesses, pursuant to Articles 64(6)(e), 64(6)(f) and 68(1) of the Statute and Rules 86 and 87 of the Rules, the Chamber orders the VWU to file its observations on the Request, no later than by 16.00 on 21 November 2012.

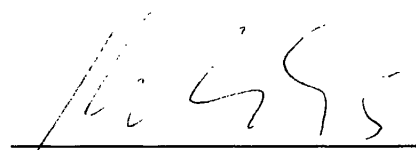
¹ Enregistrement de la désignation de Maître Ghislain Mabanga en qualité de conseil de permanence, 11 October 2012, ICC-01/05-01/08-2338-Conf and Annex ICC-01/05-01/08-2338-Conf.

² « Demande de mesures de protection en faveur du témoin D04-49 (Règle 87-1 du Règlement de procédure et de preuve) », 16 November 2012, ICC-01/05-01/08-2415.

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



Judge Sylvia Steiner

Judge Joyce Aluoch

Judge Kuniko Ozaki

Dated this 19 November 2012

At The Hague, The Netherlands