

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 January 2014

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

**Second Order on the reclassification of documents related to
Decision ICC-01/05-01/08-2606-Conf**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Legal Representatives of the Victims

Ms Marie Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber III ("Chamber") of the International Criminal Court in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Second Order on the reclassification of documents related to Decision ICC-01/05-01/08-2606-Conf ("Second Order").

1. On 6 December 2013, the Chamber issued its "Order on the reclassification of documents",¹ in which it decided on the reclassification of a number of documents related to the "Decision on the prosecution's request relating to Article 70 investigation" ("Decision 2606-Conf-Exp").² Specifically, the Chamber, *inter alia*:

- (i) Ordered the Registry to submit for the Chamber's approval proposed confidential redacted versions of confidential *ex parte* documents ICC-01/05-01/08-2441-Conf-Exp ("2441-Conf-Exp") and the annexes thereto ("2441-Conf-Exp-Anx1-Red", "2441-Conf-Exp-Anx2", "2441-Conf-Exp-Anx3", "2441-Conf-Exp-Anx4", "2441-Conf-Exp-Anx5", "2441-Conf-Exp-Anx6"), document ICC-01/05-01/08-2462-Conf-Exp ("2462-Conf-Exp") and the annex thereto ("2462-Conf-Exp-Anx1"), and of the transcript of the status conference held on 9 April 2013, ICC-01/05-01/08-T-303-CONF-EXP-ENG ET ("Transcript T-303-CONF-EXP");
- (ii) Ordered the Office of the Prosecutor ("prosecution") to submit for the Chamber's approval proposed confidential redacted versions of documents ICC-01/05-01/08-2412-Conf-Exp ("2412-Conf-Exp") and ICC-01/05-01/08-2548-Conf-Exp ("2548-Conf-Exp")

¹ Order on the reclassification of documents, 6 December 2013, ICC-01/05-01/08-2920-Conf.

² Decision on the prosecution's request relating to Article 70 investigation, 26 April 2013, ICC-01/05-01/08-2606-Conf-Exp.

Exp”), including the annex to the latter (“2548-Conf-Exp-AnxA”); and

- (iii) Ordered the prosecution and the Registry to coordinate on the proposed redactions to ensure consistency and to communicate their proposals to the Chamber via email by 13 December 2013.³

2. On 12 December 2013,⁴ the Registry (i) informed the Chamber that the already redacted document 2441-Conf-Exp-Anx1-Red can be reclassified as confidential without further redactions, and that documents 2441-Conf-Exp, 2441-Conf-Exp-Anx3, 2441-Conf-Exp-Anx5 and 2462-Conf-Exp can be reclassified as confidential without redactions; and (ii) transmitted proposed confidential redacted versions of documents 2441-Conf-Exp-Anx2, 2441-Conf-Exp-Anx4, 2441-Conf-Exp-Anx6, 2462-Conf-Exp-Anx1 and T-303-CONF-EXP.
3. On 13 December 2013,⁵ the prosecution (i) informed the Chamber that documents 2548-Conf-Exp-AnxA and 2412-Conf-Exp can be reclassified as confidential without redactions; and (ii) transmitted a proposed confidential redacted version of document 2548-Conf-Exp.
4. Having reviewed the Registry’s and the prosecution’s proposals, and in accordance with Articles 64(2) and 64(6)(f) of the Rome Statute, Rule 137(2) of the Rules of Procedure and Evidence and Regulations 23*bis*(3) and 34(a) of the Regulations of the Court, the Chamber hereby:

- (a) ORDERS that documents 2441-Conf-Exp, 2441-Conf-Exp-Anx2, 2441-Conf-Exp-Anx3, 2441-Conf-Exp-Anx4, 2441-Conf-Exp-Anx5, 2548-

³ ICC-01/05-01/08-2920-Conf, paragraph 6.

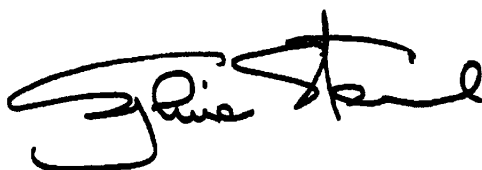
⁴ Email from the Registry to the Chamber on 12 December 2013 at 17.42.

⁵ Email from the prosecution to the Chamber on 13 December 2013 at 14.57.

Conf-ExpAnxA, 2412-Conf-Exp, and 2462-Conf-Exp be reclassified as confidential without redactions;

- (b) ORDERS the prosecution to prepare, in accordance with the directions in the confidential *ex parte* Annex to the Second Order, a confidential redacted version of document 2548-Conf-Exp and to file the document by 31 January 2014;
- (c) ORDERS the Registry to prepare, in accordance with the directions in the confidential *ex parte* Annex to the Second Order, confidential redacted versions of documents 2441-Conf-Exp-Anx1-Red, 2441-Conf-Exp-Anx6, 2462-Conf-Exp-Anx1, and T-303-CONF-Exp and to file these documents by 31 January 2014.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 22 January 2014

At The Hague, The Netherlands