

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 5 February 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

**Victims and Witnesses Unit's Observations on document
ICC-01/05-01/08-2951-Conf**

Source: Registry

Document 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 Victims

Ms Marie-Edith Douzima Lawson

Legal Representatives of 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

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (the "Court");

NOTING the "Prosecution Request for a Variance of Protective Measures of Trial Witnesses to Allow Access to Transcripts of Evidence in a Related Article 70 Proceeding" (the "Request") dated 30 January 2014;¹

NOTING the "Order requesting observations on prosecution document ICC-01/05-01/08-2951-Conf" issued by Trial Chamber III (the "Chamber") on 30 January 2014;²

NOTING articles 43(6) and 68(1) and (4) of the Rome Statute, rules 16 to 19 of the Rules of Procedure and Evidence, regulation 23*bis* and 42 of the Regulations of the Court and regulations 79 to 94 of the Regulations of the Registry;

CONSIDERING that, in order to take an informed decision on the Request, the Chamber considered it necessary to hear observations from the defence, the legal representative of victims and the Victims and Witnesses Unit (the "VWU") and accordingly, directed the VWU to submit its observations on the Request by Wednesday 5 February 2014;³

RESPECTFULLY SUBMITS the Victims and Witnesses Unit's Observations on document ICC-01/05-01/08-2951-Conf:

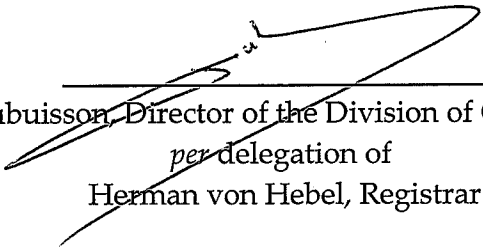
1. The VWU, taking into account the necessity to ensure the safety of witnesses, their family members and any third persons that may be at risk on account of the Court's activities in accordance with Article 68 of the Rome Statute, observes that

¹ ICC-01/05-01/08-2951-Conf.

² ICC-01/05-01/08-2954-Conf.

³ *Idem.*

the same level of confidentiality applied to the Transcripts to be disclosed in the *Bemba* case should be applied in the case *the Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* (the "Article 70 case"). The VWU considers that the security of witnesses would not be negatively impacted, should the effects of the protective measures granted in the *Bemba* case (*inter alia* confidentiality of certain portions of the transcripts, some witnesses' identities not disclosed to the public) continue to have full force in relation to the Article 70 case.



Marc Dubuisson, Director of the Division of Court Services
per delegation of
Herman von Hebel, Registrar

Dated this 05 February 2014

At The Hague, The Netherlands