

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 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

**Order shortening the time for response on the Defence Motion for the lifting
of redactions of the 9 April 2013 status conference transcript**

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 Keita

States Representatives

Amicus Curiae

Registrar

Mr Herman von Hebel

Defence 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 Order shortening the time for response on the Defence Motion for the lifting of redactions of the 9 April 2013 status conference transcript ("Order").

1. On 6 December 2013, the Chamber issued its "Order on the reclassification of documents",¹ in which, *inter alia*, it ordered that the transcripts of the confidential *ex parte* - prosecution and Registry only – status conference held on 9 April 2013, Transcript T-303-CONF-EXP ("T-303"),² should be made available to all parties and participants, subject to the application of any necessary redactions.³
2. On 22 January 2014, the Chamber issued its "Second Order on the reclassification of documents related to Decision ICC-01/05-01/08-2606-Conf",⁴ in which, *inter alia*, having reviewed the Registry's proposals for redactions, it ordered the Registry to prepare, in accordance with the directions included in its confidential *ex parte* Annex, confidential redacted version of T-303 and to file it by 31 January 2014. By email of 30 January 2014, the Registry transmitted the confidential redacted version of T-303.⁵
3. On 11 February 2014, the Defence for Mr Jean-Pierre Bemba ("defence") filed its "Defence Motion for the lifting of redactions of the 9 April 2013 status

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

² Transcript of hearing on 9 April 2013, ICC-01/05-01/08-T-303-CONF-EXP-ENG ET. *See also* Order convening a confidential *ex parte* prosecution and Registry only status conference, 22 March 2013, ICC-01/05-01/08-2560-Conf-Exp. A public redacted version was filed on 8 April 2013: Public redacted version of "Order convening a confidential *ex parte* prosecution and Registry only status conference" of 22 March 2013, 8 April 2013 ICC-01/05-01/08-2560-Red.

³ ICC-01/05-01/08-2920-Conf, paragraph 5.

⁴ Second Order on the reclassification of documents related to Decision ICC-01/05-01/08-2606-Conf, 22 January 2014, ICC-01/05-01/08-2943-Conf, with Confidential *ex parte* Annex, ICC-01/05-01/08-2943-Conf-Exp-Anx.

⁵ Email sent by Court Management Section-Transcripts, 30 January 2014, 15.41.

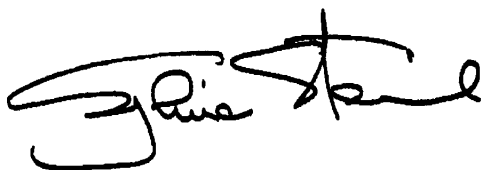
conference transcript" ("Defence Motion"),⁶ in which it alleges that the version of T-303 provided to the Defence contains a significant number of redactions, which are not limited to the submissions from the prosecution or the Registry but also include interventions by two members of the bench.⁷

4. For the purpose of the present Order, the Chamber has considered, in accordance with Article 21(1) of the Statute, Articles 64(2), (6)(f) and 68 of the Statute, Rule 81 of the Rules of Procedure and Evidence and Regulations 24(1), 28 and 34 of the Regulations of the Court ("Regulations").
5. To assist the Chamber's prompt determination on the Defence Motion, the time limit for the filing of a response by the Office of the Prosecutor ("prosecution") needs to be reduced. In addition, the Chamber considers it necessary that in its response the prosecution, in consultation with the Registry, addresses the issue of whether some or all of the redactions implemented in T-303 could be lifted, without prejudicing the Registry's practices in their management of the detention centre and further or on-going investigations or putting the safety, physical and psychological well-being, dignity and privacy of victims and witnesses at risk.
6. Considering that the personal interests of the victims are not affected by the Defence Motion, the Chamber does not consider it necessary to receive a response from the legal representative of victims.
7. In view of the foregoing, the Chamber hereby ORDERS the prosecution to submit its response on the Defence Motion by Wednesday, 19 February 2014 and, in consultation with the Registry, address the issues referred to in paragraph 5 above.

⁶ Defence Motion for the lifting of redactions of the 9 April 2013 status conference transcripts, 11 February 2014, ICC-01/05-01/08-2967-Conf.

⁷ ICC-01/05-01/08-2967-Conf, paragraph 15.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 12 February 2014

At The Hague, the Netherlands