

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 12 March 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

With confidential ex-parte annex 1 VWU and CSS only, confidential ex-parte annex 2 Prosecution and VWU only, confidential ex-parte annex 3 prosecution, VWU and Detention Section only, and confidential ex-parte annex 4 VWU only

Observations of the Registry on the Defence Motion for Reclassification of documents (ICC-01/05-01/08-2978-Conf)

Source: Registrar

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 James Stewart

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**

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REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Mr Esteban Peralta Losilla

Victims and Witnesses Unit

Mr Paddy Craig

Detention Section

Mr Harry Tjonk

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR of the International Criminal Court (the "Court");

NOTING the "*Defence Motion for Reclassification of Documents*" (the Defence motion), submitted on 17 February 2014;¹

NOTING that on 18 February 2014, Trial Chamber III instructed the '*Prosecution, the Registry and the VWU to submit their observations on the defence's motion*';²

NOTING the "*Prosecution's Observations on ICC-01/05-01/08-2978-Conf, "Defence Motion for Reclassification of Documents"*" submitted on 10 March 2014;³

NOTING rule 15 of the Rules of Procedure and Evidence, and regulations 20 and 23*bis* of the Regulations of the Court;

CONSIDERING that the Defence has requested Trial Chamber III to order the reclassification as public of a number of documents set out in Annex A of its submission of 17 February;

RESPECTFULLY SUBMITS the following observations in relation to the public reclassification of the relevant documents listed below:

1. ICC-01/05-01/08-2412-Conf – Prosecution Request for Record of Payments made by the Registry to Witnesses called by the Defence of Mr. Jean Pierre Bemba Gombo.

¹ ICC-01/05-01/08-2978-Conf.

² E-mail of Trial Chamber staff of 18 February at 17.20hrs.

³ ICC-01/05-01/08-3006-Conf.

This is a document emanating from the Prosecution. Therefore, the Registry is of the view that the Prosecution is in a better position to assess and indicate whether or not it considers that this document can be shared with the public at large.

2. ICC-01/05-01/08-2421-Conf - Decision requesting the Registry's observations on the prosecution's request relating to Article 70 investigation.

The Registry is of the view that this decision can be reclassified as public without any redaction. The Registry notes, however, that this view does not take into account any possible proposal for redactions that the Prosecution may make in relation to this document.

3. ICC-01/05-01/08-2441-Conf - Registry's Observations relating to the "Decision requesting the Registry's observations on the prosecution's request relating to Article 70 investigation" and its 6 annexes.

The Registry is of the view that documents ICC-01/05-01/08-2441-Conf, ICC-01/05-01/08-2441-Conf-Anx3 and ICC-01/05-01/08-2441-Conf-Anx5 can be reclassified as public without any redaction. In relation to the remaining annexes attached to the main document, the Registry submits that document ICC-01/05-01/08-2441-Conf-Anx1-Red2 should not be accessible to the public, and that documents ICC-01/05-01/08-2441-Conf-Anx2, ICC-01/05-01/08-2441-Conf-Anx4, and ICC-01/05-01/08-2441-Conf-Anx6 can be made available but only with the pertinent redactions in place. The relevant reasoning and proposed redactions are respectfully submitted in the *confidential ex-parte* annexes to the present submission.

4. ICC-01/05-01/08-2461-Conf - Decision on the Registry's observations on the prosecution's request relating to Article 70 investigations.

The Registry is of the view that this decision can be reclassified as public without any redaction. The Registry notes, however, that this view does not take into account any possible proposal for redactions that the Prosecution may make in relation to this document.

5. ICC-01/05-01/08-2462-Conf - Victims and Witnesses Unit's Complementary Information to the "Registry's Observations relating to the "Decision requesting the Registry's observations on the prosecution's request relating to Article 70 investigation" and annex thereof.

The Registry is of the view that document ICC-01/05-01/08-2462-Conf can be reclassified as public without any redaction. In relation to ICC-01/05-01/08-2462-Conf-Anx1-Red, the Registry does not recommend the public disclosure of this document for reasons that are stated in the annexes hereto.

6. ICC-01/05-01/08-2548-Conf -Prosecution's Notice to the Trial Chamber of Article 70 investigation and request for judicial Assistance to obtain evidence.

This is a document emanating from the Prosecution. Therefore, the Registry is of the view that the Prosecution is in a better position to assess and indicate whether or not it considers that this document can be shared with the public at large.

7. ICC-01/05-01/08-2606-Conf -Decision on prosecution's request relating to Article 70 investigation.

Should the Chamber wish to reclassify this document as public, the Registry respectfully recommends the application of certain redactions before doing so. The proposed redactions and reasoning thereof can be found in the annexes hereto. The Registry notes, that this view does not take into account any

possible proposal for redactions that the Prosecution may make in relation to this document.

8. ICC-01/05-01/08-2920-Conf - Order on the reclassification of documents.

The Registry is of the view that this decision can be reclassified as public without any redaction. The Registry notes, however, that this view does not take into account any possible proposal for redactions that the Prosecution may make in relation to this document.

9. ICC-01/05-01/08-2943-Conf - Second Order on the reclassification of documents related to Decision ICC-01/05-01/08-2606-Conf.

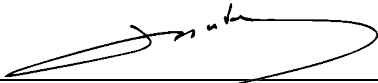
The Registry is of the view that this decision can be reclassified as public without any redaction. The Registry notes, however, that this view does not take into account any possible proposal for redactions that the Prosecution may make in relation to this document.

10. ICC-01/05-01/08-T-303-Conf - Transcript of 9 April 2013 Status Conference.

Should the Chamber wish to make this document public, the Registry would respectfully propose that redactions are put in place before doing so. The relevant proposed redactions and reasoning thereof can be found in the annexes hereto. The Registry notes, that this view does not take into account any possible proposal for redactions that the Prosecution may make in relation to this document.

11. **SUBMITS** the present report as *Confidential* with *Confidential Ex-parte* annexes in harmony with the current level of confidentiality of this matter.

RESPECTFULLY SUBMITTED,



Marc Dubuisson, Director, Division of Court Services
on behalf of
Herman von Hebel, Registrar

Dated this 12 March 2014

At The Hague in the Netherlands