



Original: English

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

Date: 31/03/2014

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**

Public with Public Annex A and Confidential Annex B

Defence Submissions pursuant to Trial Chamber's order to reclassify Defence filings and review the level of confidentiality of documents admitted into evidence

Source: Defence for Mr. Jean-Pierre Bemba Gombo

Document to be notified in accordance with regulation 31 of the *Regulations of the****Court to:*****The Office of the Prosecutor**

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A. INTRODUCTION

1. On 17 March 2014, Trial Chamber III (“Chamber”) issued its “Order on classification of items admitted into evidence” (“Order”).¹ The Chamber ordered the parties:

To file by 31 March 2014 public redacted versions of their filings and corresponding annexes or to inform the Chamber that they may be reclassified as public without redactions; and

to review the level of confidentiality of the items emanating from them admitted by the present Decision and:

(a) provide to the Registry, within 10 days of notification of the present Decision with the correct metadata as to the level of confidentiality of all items in relation to which the information is either not clear or has not been previously provided; and

(b) request to the Chamber, within 10 days of notification of the present Decision, the reclassification as Public, with or without redactions, of items in relation to which the reasons to maintain their confidentiality do not longer exist and/or to inform the Chamber of the reasons for maintaining the confidentiality of all items for which no reclassification as public is requested.

2. The Defence therefore files the present submissions.

B. SUBMISSIONS

3. The Defence has reviewed the filings referred to in the Chamber’s Order, and the sixteen (16) documents admitted into evidence.

4. Of the filings referred to in the Chamber’s Order, the Defence notes that the following are already public:

¹ ICC-01/05-01/08-3019.

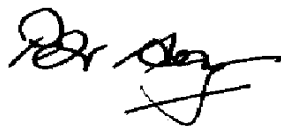
- i. Defence Request for extension of time limit, 13 January 2014, ICC-01/05-01/08-2935;
 - ii. Defence submission on the proposed admission of witness CHM-01's statement, 13 January 2014, ICC-01/05-01/08-2936;
 - iii. Defence Submissions on the proposed proprio motu admission of 100 transcripts of Prosecution witness interviews, 11 October 2013, ICC-01/05-01/08-2833;
 - iv. Defence Submissions in compliance with Trial Chamber III's Third Order on the submission into evidence of materials used during the examination of witnesses (ICC-01/05-01/08-2565), 26 April 2013, ICC-01/05-01/08-2590 and Annex A, ICC-01/05-01/08-2590-AnxA; and
 - v. Defence response to the Prosecution's Fourth Bar Table Motion, 6 December 2013, ICC-01/05-01/08-2916.
5. A public redacted version already exists of the following filings:
- i. Defence Response to Prosecution's Second application, 20 May 2013, ICC-01/05-01/08-2636; and
 - ii. Defence Response to the Prosecution's Application for Admission of Evidence from the Bar Table, 19 March 2012, ICC-01/05-01/08-2168; Annex A, ICC-01/05-01/08-2168-AnxA and Annex B, ICC-01/05-01/08-2168-AnxB.
6. For the remainder, the Defence has now prepared public redacted versions, which were filed with Court Management Section on Monday, 31 March 2014:
- i. Defence Response to the Prosecution's Motion to Exclude CAR Documents, 25 September 2012, ICC-01/05-01/08-2326-Conf;
 - ii. Defence Response to the Prosecution's Fourth Bar Table Motion, 6 December 2013, Confidential Annex A, ICC-01/05-01/08-2916-AnxA;

- iii. Defence Response to the Third Prosecution Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute, 15 November 2013, ICC-01/05-01/08-2892-Conf-AnxA; and
- iv. Defence Response to the Prosecution's Second Application for Admission of Evidence from the Bar Table, 6 May 2013, ICC-01/05-01/08-2617-Conf.

7. The Defence has also reviewed the sixteen (16) documents admitted in the Chamber's Order. Fifteen (15) documents are currently public, and the Defence submits it should stay at this level of confidentiality. These documents are set out in Annex A.

8. The Defence submits that one document (CAR-D04-0003-0398) should be reclassified as Public with the suggested redactions, as set out in Annex B.

The whole respectfully submitted.



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31 March 2014