

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 17 April 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 document

With

Confidential Annex A and Confidential Annexes 1 to 7

**Prosecution's Request for Reclassification of 7 admitted documents as Public and
Application of Redactions**

Source: The Office of the Prosecutor

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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I. Background

1. On 7 April 2014, Trial Chamber III (“Chamber”) issued an Order on the classification of items admitted into evidence¹ (“Order”). The Chamber referred to items used during the questioning of witnesses but not submitted as evidence by the parties and participants and ordered, *inter alia*, the Office of the Prosecutor (“Prosecution”) and Defence “to review the level of confidentiality of items admitted”² and “to request that the Chamber reclassify as public, with or without redactions, items in relation to which the reasons for maintain their confidentiality no longer exists ...”³ The Chamber set the time limit of 10 days as of the notification of the Order.

II. Request for Confidentiality

2. The Prosecution requests that annexes be received by the Chamber as “Confidential”, as they refer to materials that are currently confidential and contain information for which redactions are sought.

III. Prosecution’s request and appended annexes

3. In compliance with the Chamber’s Order,⁴ the Prosecution, after reviewing the level of confidentiality of all items of evidence used during its questioning of witnesses, herewith submits seven admitted documents with proposed redactions highlighted in grey colour to enable their reclassification. However, the confidentiality of 49 documents should be maintained.

¹ ICC-01/05-01/08-3034-Conf, Decision on the submission as evidence of items used during the questioning of witnesses but not submitted as evidence by the parties and participants, 7 April 2014.

² *Idem*, para. 164 ii (a)

³ *Idem*, para. 164 ii (b)

⁴ *Idem*, para. 164 ii.

4. In reviewing these documents, the Prosecution has considered and determined (1) the correct metadata as to the level of confidentiality of the items in relation to which the information is either not clear or had not been previously provided, (2) which documents may be reclassified as “Public”, and (3) documents for which no reclassification is requested.

5. Appended to this request is Annex A that lists all the items used by the Prosecution during its questioning of witnesses and admitted into evidence pursuant to Decision ICC-01/05-01/08-3034-Conf. The chart identifies, per item:

- a) As a note for the Registry, the correct metadata as to the level of confidentiality of all the items;
- b) The request for the reclassification as “Public” of the documents when the need for the confidentiality level no longer exists. Seven of the documents need to be redacted before reclassification.

6. Annexes 1 to 7 are also appended. Annex 1 represents a sketch annotated by witness CAR-D04-PPPP-0050; Annex 2 is an extract of CAR-OTP-0069-0372 annotated by CAR-D04-PPPP-0018; Annex 3 is a correspondence; Annexes 4 and 5 represent two (2) sketches of a male body annotated by CAR-OTP-PPPP-0069; Annex 6 is a report and Annex 7 is a series of e-mail communications. The Prosecution has applied grey highlights in respect of the information it seeks to be redacted pursuant to Rule 81(4) of the Rules of Procedure and Evidence.

IV. Relief Sought

7. For the foregoing reasons, the Prosecution respectfully requests that the Chamber authorise the redactions proposed to the seven admitted documents.



Fatou Bensouda, Prosecutor

Dated this 17th Day of April 2014

At The Hague, The Netherlands