

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 June 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 Redacted Version of ICC-01/05-01/08-2903-Conf

VWU's Observations in relation to the Defence Motion ICC-01/05-01/08-2872-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

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**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Mr Natacha Schauder

Detention Section

**Victims Participation and Reparations
Section**

Other

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* of the Regulations of the Court and regulations 79 to 91 of the Regulations of the Registry;

CONSIDERING that in the Decision, the Chamber instructed the “...prosecution to file, in coordination with the VWU, a confidential redacted version of its Submission including Annexes A and B, ...[t]he Chamber orders the prosecution to *first* submit to the Chamber the proposed redactions.[emphasis added]”;

CONSIDERING that following the Prosecution’s proposed redaction to the Chamber on 5 November 2013, the Chamber instructed the Prosecution to consult with the VWU in relation to some portions of the proposed redactions;

CONSIDERING that the VWU was consulted by the Prosecution and thereafter submitted its view on the proposed redactions through the VWU’s email sent on 6 November 2013;

CONSIDERING that the Prosecution filed the confidential redacted version of the Submission and its Annexes, initially Confidential *ex parte* Prosecution and VWU only, by taking into account the view of VWU on the proposed redactions;

CONSIDERING that the present document contains confidential information of Prosecution witnesses in relation to confidential filings, it is therefore filed as confidential in accordance with regulation 23*bis* of the Regulations of the Court;

CONSIDERING that in its motion, the Defence requested the Chamber to order the disclosure of any requests for payments or other benefits made by Witness 169, 178 or [REDACTED] and all details and dates of the payments or benefits provided to Witness 169, 178 or [REDACTED] by the

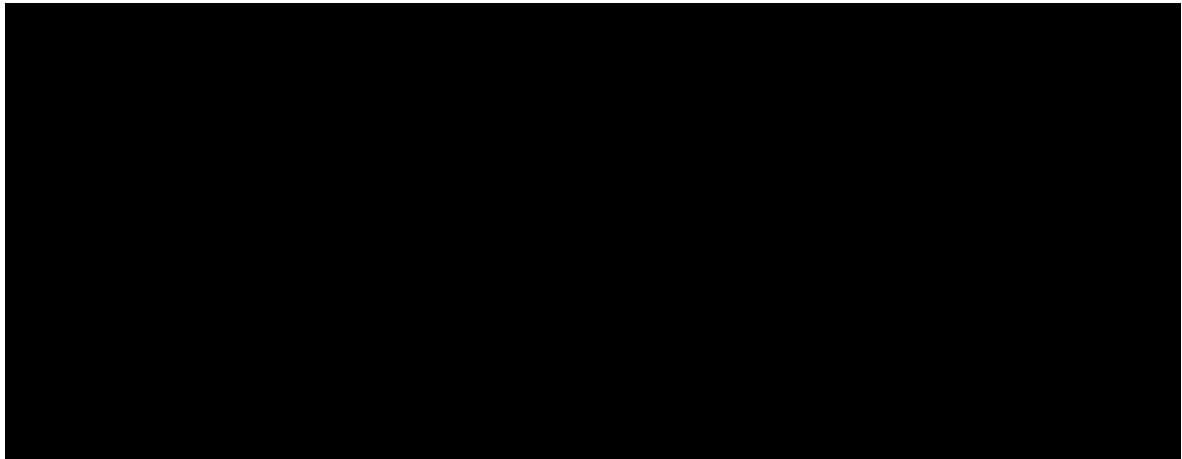
Prosecution, VWU or the Registry, including those made in the period between 25 June 2013 and 3 October 2013;

CONSIDERING that in its email dated 12 November 2013, the Chamber ordered the VWU "...to make any submissions it considers relevant in relation to the matter raised in the defence's motion in a report to be filed by 16.00 on Tuesday, 19 November 2013";

RESPECTFULLY SUBMITS the VWU's Observations in relation to the Defence motion ICC-01/05-01/08-2837-Conf:

Information redacted in relation to financial details of protected witnesses

1. The VWU takes this opportunity to emphasise its neutrality, which places the VWU as an independent entity to provide its equal services to the parties and participants in accordance with the statutory provisions of the Court.
2. As a matter of principle, the VWU does not share the details of the funds allocated to witnesses who benefit from security measures to the parties and participants of a proceedings. All funds provided by the VWU are to assist the witness and/or his immediate dependants to be assisted with the aim to mitigate any identified or perceived risks that may be directed at them.
3. The main reason to this procedure followed by the Unit is that this information should be treated in a strictly confidential manner [REDACTED]
[REDACTED] This is particularly important for the witnesses who are participating in the International Criminal Court Protection Programme (the "ICCPP"). [REDACTED]
[REDACTED]
[REDACTED]



4. The VWU has reiterated its position in its communication with the Prosecution and stipulated that the [REDACTED]

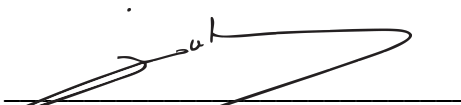


5. [REDACTED] Therefore the VWU is of the view that the information regarding the financial details provided in the Prosecution's submissions and its annexes should be redacted before being disclosed to the Defence.

6. The VWU does not object to provide the Chamber with the details of payments and benefits made by the witnesses resulting from their testimony for the incidental allowances, attendance allowances, and extraordinary allowances for lost earnings as regulated by regulations 84, 85, and 86 of the Regulations of as well as other entitlements related to the witnesses' appearance (travel, travel documentation, clothes, accommodation, etc.). This has already been done in this case⁷. The VWU notes, however, that some redactions may be necessary before implementing such disclosure (i.e; in order to maintain the confidentiality of a protected witness location, etc.).

⁷ For example: ICC-01/05-01/08-2441-Conf-Exp-Anx1-Red and ICC-01/05-01/08-2462-Conf-Exp-Anx1

7. Notwithstanding the information in relation to the expenses details in paragraph 7, the VWU maintains its view that financial details as a result of implementing security measures afforded to witnesses in this instance should not be further disclosed to the Defence.



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

Dated this 04 June 2014

At The Hague, The Netherlands