

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 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

Decision on the "Prosecution's Request for Reclassification of 15 admitted Documents as Public and for Application of Redactions"

Decision 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

Ms Melinda Taylor

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 Keïta

States Representatives

Amicus Curiae

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber III ("Chamber") of the International Criminal Court ("Court") in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Decision on the "Prosecution's Request for Reclassification of 15 admitted Documents as Public and for Application of Redactions" ("Decision").

1. On 14 February 2014, the Chamber issued its "Decision on the 'Prosecution's Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute' (ICC-01/05-01/08-2854)",¹ in which it admitted into evidence 16 items submitted by the Office of the Prosecutor ("prosecution").² In addition, the Chamber ordered the prosecution to review the level of confidentiality of the items admitted by that decision and:³

- (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. On 26 February 2014, the prosecution submitted its "Prosecution's Request for Reclassification of 15 admitted Documents as Public and for Application of Redactions" ("Prosecution Submission"),⁴ requesting that 15 documents be reclassified or maintained as public, and that one document be maintained as confidential.⁵ The prosecution notes that seven items are currently classified as confidential and requests that three of them be reclassified as public with redactions,⁶ three without redactions,⁷ and that one be maintained as

¹ Decision on the "Prosecution's Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute" (ICC-01/05-01/08-2854), 14 February 2014, ICC-01/05-01/08-2974-Conf.

² ICC-01/05-01/08-2974-Conf, paragraphs 72(i) and 73.

³ ICC-01/05-01/08-2974-Conf, paragraph 72(vii).

⁴ Prosecution's Request for Reclassification of 15 admitted Documents as Public and for Application of Redactions, 26 February 2014, ICC-01/05-01/08-2997, with four confidential annexes ICC-01/05-01/08-2997-Conf-AnxA, ICC-01/05-01/08-2997-Conf-AnxB, ICC-01/05-01/08-2997-Conf-AnxC and ICC-01/05-01/08-2997-Conf-AnxD.

⁵ ICC-01/05-01/08-2997, paragraph 4.

⁶ These are items CAR-OTP-0048-0377, CAR-OTP-0054-0005 and CAR-OTP-0054-0019.

confidential.⁸ The proposed redactions are detailed in Annexes B, C and D to the Prosecution Submission.⁹ Four additional items are currently classified as public and the prosecution requests that their level of confidentiality be maintained.¹⁰ As to the five remaining documents, their level of confidentiality is not currently mentioned and the prosecution submits that they should be classified as public.¹¹

3. In accordance with Article 21(1) of the Rome Statute ("Statute"), the Chamber has considered Articles 64(2), 64(6)(c), 64(7), 64(10), 67(1), 68 and 69(5) of the Statute, Rules 87 and 137(2) of the Rules of Procedure and Evidence, Regulations 20(3), 21(7), 23bis(3) and 26 of the Regulations of the Court, and Regulations 10, 14 and 18 of the Regulations of the Registry.
4. At the outset, the Chamber notes that the prosecution identifies five items for which the level of confidentiality has not previously been provided in eCourt and submits that they should be classified as public.¹² The Chamber orders the Registry to update in eCourt, as soon as possible, the level of confidentiality of these items.
5. The prosecution requests the reclassification as public, with no redactions, of the following items: (i) CAR-OTP-0013-0106 (EVD-T-OTP-00832), an issue of the Newspaper *Le Citoyen* dated 17 February 2003; (ii) CAR-OTP-0045-0002 (EVD-T-OTP-00585), an airport logbook allegedly from Bangui airport; and (iii) CAR-OTP-0045-0228 (EVD-T-OTP-00586), a summary of the logbook. Taking into account the nature of the documents, and the information they contain, the

⁷ These are items CAR-OTP-0013-0106, CAR-OTP-0045-0002 and CAR-OTP-0045-0228.

⁸ This is item CAR-OTP-0047-1660.

⁹ ICC-01/05-01/08-2997-Conf-AnxB (for item CAR-OTP-0048-0377), ICC-01/05-01/08-2997-Conf-AnxC (for item CAR-OTP-0054-0005) and ICC-01/05-01/08-2997-Conf-AnxD (for item CAR-OTP-0054-0019).

¹⁰ These are items ERN CAR-OTP-0070-0027 of item CAR-OTP-0070-0009, CAR-OTP-0069-0369, ERNs CAR-OTP-0073-0814 to CAR-OTP-0073-0816 of item CAR-OTP-0073-0768 and CAR-OTP-0073-0850.

¹¹ These are items ERN CAR-OTP-0070-0070 of item CAR-OTP-0070-0051, CAR-OTP-0069-0531, CAR-OTP-0069-0551, CAR-OTP-0069-0574 and ERNs CAR-OTP-0073-0731 to CAR-OTP-0073-0733 of item CAR-OTP-0073-0674.

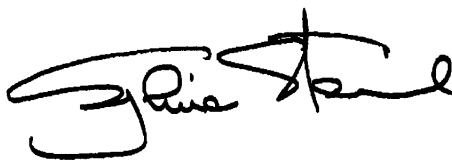
¹² ICC-01/05-01/08-2997, paragraph 4. Items mentioned in footnote 11 above.

Chamber is satisfied that the abovementioned documents can be reclassified as public with no redactions.

6. The prosecution requests the reclassification as public of the following items and proposes limited redactions to them: (i) CAR-OTP-0048-0377 (EVD-T-OTP-00834), a letter dated 31 August 2006; (ii) CAR-OTP-0054-0005 (EVD-T-OTP-00842), a written statement of Witness D04-18; and (iii) CAR-OTP-0054-0019 (EVD-T-OTP-00843), a written statement of Witness D04-18. Having reviewed the proposals for redactions submitted by the prosecution, the Chamber is satisfied that the redactions are limited and sufficient to protect witnesses, victims or any third persons at risk on account of the Court's activities. As such, the Chamber is satisfied that the abovementioned documents can be reclassified as public once the redactions proposed in Annexes B, C and D to the Prosecution Submission are applied.
7. The prosecution requests that the Chamber maintain the confidentiality of item CAR-OTP-0047-1660 (EVD-T-OTP-00833), an analysis report of the SIM and memory cards obtained from the accused's mobile phones. Taking into account the nature of the document and the private information it contains, the Chamber is satisfied that its level of confidentiality should be maintained, until otherwise decided.
8. In view of the above, the Chamber hereby:
 - a) ORDERS the Registry to update in eCourt, as soon as possible, the level of confidentiality of items CAR-OTP-0070-0051, CAR-OTP-0069-0531, CAR-OTP-0069-0551, CAR-OTP-0069-0574 and CAR-OTP-0073-0674;
 - b) GRANTS the prosecution's request to reclassify as public, with no redactions, items CAR-OTP-0013-0106, CAR-OTP-0045-0002 and CAR-OTP-0045-0228;

- c) ORDERS the Registry to reclassify as public in eCourt the items mentioned in sub-paragraph b) above;
- d) GRANTS the prosecution's request to reclassify as public, with the redactions proposed in Annexes B, C and D to the Prosecution Submission, items CAR-OTP-0048-0377, CAR-OTP-0054-0005 and CAR-OTP-0054-0019;
- e) ORDERS the Registry to implement the redactions authorised in sub-paragraph d) above; and
- f) GRANTS the prosecution's request to maintain the confidentiality of item CAR-OTP-0047-1660, until otherwise decided.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 17 June 2014

At The Hague, the Netherlands