

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **23 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 Document

**Prosecution's Application for Extension of Time Limit to Submit Proper
Redactions of Admitted Evidence**

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

Fatou Bensouda

James Stewart

Jean-Jacques Badibanga

Counsel for the Defence of Jean-Pierre Bemba

Peter Haynes

Kate Gibson

Legal Representatives of Victims

Marie-Edith Douzima-Lawson

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Paolina Massidda

The Office of Public Counsel for the Defence

Xavier-Jean Keita

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

I. Procedural history

1. On 11 December 2013, Trial Chamber III (“Chamber”) ordered the “parties and the participants to review the level of confidentiality of all items originating from them” and, *inter alia*, to “request that the Chamber reclassify as public, with or without redactions, items for which the reasons for maintaining their confidentiality no longer exist” or to “inform the Chamber of the reasons for maintaining the confidentiality of all items for which no reclassification as public is requested, by 10 January 2014 at the latest.”¹

2. On 10 January 2014, the Office of the Prosecutor (“Prosecution”) requested the Chamber to reclassify as public 63 documents admitted in evidence in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*. The Prosecution further submitted that out of the 63 documents to be reclassified as public, 41 documents required further redactions to be proposed to the Chamber by the Prosecution prior to their reclassification as public.²

3. On 24 January 2014, the Prosecution filed its “Prosecution’s Request for Reclassification of 40 admitted Documents as Public and for Application of Redactions” (“Proposals for Redactions”). The Prosecution proposed redactions to a total of 40 documents classified as confidential in order to enable their reclassification as public.³

4. On 31 January 2014, the Defence for Mr Jean-Pierre Bemba (“Defence”) filed its “Defence Response to the Prosecution Submissions on the Reclassification of

¹ ICC-01/05-01/08-2921, Order on the classification of items admitted into evidence, 11 December 2013, para. 4.

² ICC-01/05-01/08-2931 with Annex A, Prosecution’s Submission pursuant to the Order on the Classification of Items Admitted into Evidence, 10 January 2014, para. (5)(b).

³ ICC-01/05-01/08-2946, with Annex A and Annexes 1 to 40, Prosecution’s Request for Reclassification of 40 admitted Documents as Public and for Application of Redactions, 24 January 2014.. See also paras. 7 to 9.

Documents”,⁴ in which it took no position on the proposed reclassification of documents contained in the Prosecution request.⁵ However, the Defence opposed the Prosecution request to maintain the level of confidentiality of (i) the dossier of 203 *procès-verbaux d’audition de victime*, submitted through Witness P-9 (“Dossier”); and (ii) the photographs and video submitted through Witness P-63.⁶

5. On 26 May 2014, the Chamber issued its “Decision on the ‘Prosecution’s Submission pursuant to the Order on the classification of items admitted into evidence and other evidentiary issues’”⁷ and ordered the Prosecution to review and apply redactions to 326 documents within four weeks to enable their reclassification as public.⁸

II. Prosecution’s submissions

6. The Prosecution requests a time extension of two weeks, until 4 July 2014, to provide the Chamber with proposed redactions to 326 currently confidential documents in order to enable their reclassification as public documents. The Prosecution submits this request under Regulation 35 of the Regulations of the Court. Under Regulation 35 the Prosecution must show good cause to warrant the extension of time limits.

7. The Prosecution requests the Chamber for a limited time extension to enable it to review and apply redactions to 326 documents yet to be reclassified as public. The Prosecution has begun the redaction process on the admitted documents; however,

⁴ ICC-01/05-01/08-2956-Conf, Defence Response to the Prosecution Submissions on the Reclassification of Documents, 31 January 2014.

⁵ ICC-01/05-01/08-2956-Conf, para. 4.

⁶ ICC-01/05-01/08-2956-Conf, paras. 6 to 15.

⁷ ICC-01/05-01/08-3072-Conf.

⁸ ICC-01/05-01/08-3072-Conf, paras. 18, 20, 21, 24 and 25.

due to the nature of the redaction process, the Prosecution is unable to complete the redactions of the admitted documents by 23 June 2014.

8. The redaction process is a time consuming process requiring persons with detailed knowledge of the case to emplace proposed redactions on portions of documents that provide information about the identity of protected witnesses. The redaction process requires the careful reading of witness statements, accompanying testimony, and other relevant documentation on particular witnesses in order to provide the Chamber with accurate and informed proposals for redactions. The Prosecution is unable to conduct the level of detailed review necessary to provide the Chamber with accurate and informed proposals for redactions to the admitted documents by the deadline imposed by the Chamber. In addition, during the period 26 May 2014⁹ and 2 June 2014,¹⁰ the entire CAR team was involved in the drafting and sourcing for the closing brief in this case which was both a time and resource intensive exercise. However, the Prosecution will be able to provide the proposed redactions by 4 July 2014.

9. For the above reasons the Prosecution respectfully requests that the Chamber grant the Prosecution request.



Fatou Bensouda, Prosecutor

Dated this 23rd Day of June 2014
At The Hague, The Netherlands

⁹ This is the date the Chamber issued its Decision

¹⁰ The Filing of the Closing brief by the Prosecution was due on 2 June 2014.