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

Date: 11 December 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

Public redacted version of "Decision on 'Defence request for recall of Witness P-178'"

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

REGISTRY

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Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

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*, hereby issues the following Decision on "Defence request for recall of Witness P-178".

I. Background¹

1. On 3 October 2013, the Office of the Prosecutor ("prosecution") filed its confidential, *ex parte*, prosecution and Victims and Witnesses Unit ("VWU") only, "Information on contacts of Witnesses 169 and 178 with other witnesses [...]",² indicating to the Chamber that Witness P-169 sent letters to, amongst others, the prosecution and the VWU ("Letters").³ In his Letters, Witness P-169, *inter alia*, listed alleged outstanding claims, including loss of income and "money promised by the Prosecutor for witnesses", and provided a list of [REDACTED] 22 individuals ("List"), including 21 protected witnesses called by the prosecution ("Relevant Witnesses"), many of whom he alleged were contacted and gathered by Witness P-178 to "look at loss of income claims".⁴
2. On 18 December 2013, the Chamber issued its "Decision on 'Defence Motion concerning 'Information on contacts [of] Witnesses 169 and 178 with other

¹ In view of the number of submissions and findings related to the contacts of Witnesses P-169 and P-178 with other witnesses, the Chamber will confine its summary of the procedural background to documents directly relevant to the present Decision and refers back to the background detailed in its previous decisions on the matter, particularly that included in: "Decision on 'Prosecution's Information to Trial Chamber III on issues involving witnesses CAR-OTP-PPPP-0169' (ICC-01/05-01/08-3138-Conf-Red) and 'Defence Urgent Submissions on the 5 August Letter' (ICC-01/05-01/08-3139-Conf)", 2 October 2014, ICC-01/05-01/08-3154-Conf (a public redacted version of that decision was filed on 10 October 2014, ICC-01/05-01/08-3154-Red); and "Decision on 'Defence Urgent Motion for disclosure of materials relating to P-169 and remedies for non-disclosure' (ICC-01/05-01/08-3159-Conf)", 21 October 2014, ICC-01/05-01/08-3167-Conf.

² Information on contacts of Witnesses 169 and 178 with other witnesses [...], 3 October 2013, ICC-01/05-01/08-2827-Conf-Exp and confidential *ex parte* Annexes A and B. A second confidential lesser redacted version of Information on contacts of Witnesses 169 and 178 with other witnesses located [REDACTED], 3 October 2013, (ICC-01/05-01/08-2827-Conf-Exp), ICC-01/05-01/08-2827-Conf-Red2 and confidential redacted Annexes A and B were filed on 9 January 2014.

³ The letters, appended as Annexes A and B to the prosecution's filing, are items CAR-OTP-0072-0504/ EVD-T-D04-00057 and CAR-OTP-0072-0508/ EVD-T-D04-00056.

⁴ ICC-01/05-01/08-2827-Conf-Red2, paragraphs 7, 9, and 10.

witnesses"" ("Decision 2924"),⁵ in which it, *inter alia*, rejected the request of the defence for Mr Jean-Pierre Bemba ("defence"),⁶ to recall Witnesses P-169 and P-178.⁷

3. On 7 April 2014, the Chamber issued its "Decision on closure of evidence and other procedural matters"⁸ in which it, *inter alia*, declared the submission of evidence closed pursuant to Rule 141(1) of the Rules of Procedure and Evidence ("Rules").⁹
4. On 2 October 2014, the Chamber issued its "Decision on 'Prosecution's Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169' (ICC-01/05-01/08-3138-Conf-Red) and 'Defence Urgent Submissions on the 5 August Letter' (ICC-01/05-01/08-3139-Conf)" ("Decision 3154").¹⁰ In its Decision 3154, the Chamber, *inter alia*, decided that there were exceptional circumstances warranting a reopening of the presentation of evidence and the recall of Witness P-169.¹¹ Accordingly, pursuant to its powers under Articles 64(6)(d) and 69(3) of the Rome Statute ("Statute"), the Chamber ordered the recall of Witness P-169 to testify as a Chamber witness in relation to issues arising out of his various allegations and issues of witness credibility.¹² In addition, the Chamber considered that following the testimony of Witness P-169 the parties and the legal representative should be afforded an opportunity to make additional written submissions to their closing briefs, exclusively in relation to Witness P-

⁵ Decision on "Defence Motion concerning 'Information on contacts [of] Witnesses 169 and 178 with other witnesses'", 18 December 2013, ICC-01/05-01/08-2924-Conf.

⁶ Defence Motion concerning "Information on contacts with witnesses 169 and 178 with other witnesses", 11 November 2013, ICC-01/05-01/08-2872-Conf, a public redacted version was filed on 24 September 2014, ICC-01/05-01/08-2872-Red2.

⁷ ICC-01/05-01/08-2924-Conf, paragraph 38 (vi).

⁸ Decision on closure of evidence and other procedural matters, 7 April 2014, ICC-01/05-01/08-3035.

⁹ ICC-01/05-01/08-3035, paragraph 7(i).

¹⁰ ICC-01/05-01/08-3154-Red.

¹¹ ICC-01/05-01/08-3154-Red, paragraph 29.

¹² ICC-01/05-01/08-3154-Red, paragraphs 30, 31 and 50(i) and (ii).

169's testimony and any related evidence admitted by the Chamber.¹³

5. On 21 October 2014, the Chamber issued its "Decision on 'Defence Urgent Motion for disclosure of materials relating to P-169 and remedies for non-disclosure' (ICC-01/05-01/08-3159-Conf)" ("Decision 3167").¹⁴ In that decision, the Chamber, *inter alia*, ordered the prosecution to disclose to the defence any written, video or audio communication between the prosecution and any of the Relevant Witnesses to the extent that such material related to payments or was otherwise relevant to the allegations contained in Witness P-169's letters.¹⁵ In addition, the Chamber held that details on all payments made by the prosecution to the Relevant Witnesses may be material to the defence's preparation and ordered the disclosure of all previously undisclosed payments and other forms of assistance given by the prosecution to Witness P-169 and the Relevant Witnesses, as well as all correspondence and documentation concerning these payments.¹⁶
6. On 22 October 2014, the prosecution filed its "Prosecution Communication of Evidence disclosed to the Defence on 22 October 2014 pursuant to Article 67(2) of the Rome Statute and Rule 77 of the Rules of Procedure and Evidence" ("Filing 3171"),¹⁷ in which it informed the Chamber of items disclosed to the defence in compliance with Decision 3167.¹⁸ Annex C to Filing 3171 details two items disclosed to the defence: (i) CAR-OTP-0083-1489_R01, a list detailing different

¹³ ICC-01/05-01/08-3154-Red, paragraphs 33 and 50(xvi).

¹⁴ Decision on "Defence Urgent Motion for disclosure of materials relating to P-169 and remedies for non-disclosure" (ICC-01/05-01/08-3159-Conf), 21 October 2014, ICC-01/05-01/08-3167-Conf.

¹⁵ ICC-01/05-01/08-3167-Conf, paragraphs 42 and 53(iii)(b).

¹⁶ ICC-01/05-01/08-3167-Conf, paragraphs 45, 46 and 53(iii)(c).

¹⁷ Prosecution Communication of Evidence disclosed to the Defence on 22 October 2014 pursuant to Article 67(2) of the Rome Statute and Rule 77 of the Rules of Procedure and Evidence, 22 October 2014, ICC-01/05-01/08-3173-Conf, with Confidential Annexes A to C.

¹⁸ ICC-01/05-01/08-3171-Conf, paragraph 1.

communications between the prosecution and Witness P-178, related to his financial claims during the period 20 October 2009 and 6 June 2013; and (ii) CAR-OTP-0083-1494_R01, an investigator's report [REDACTED] in relation to the alleged contacts with Witnesses P-178 and P-169.

7. From 22 to 24 October 2014, Witness P-169 presented additional testimony at the seat of the Court.¹⁹ During the hearing of 24 October 2014, the Chamber issued an oral decision instructing the prosecution and the legal representative to file their additional written submissions by 31 October 2014 and the defence by 7 November 2014.²⁰ The Chamber further confirmed that the final oral submissions of the parties and participant will be presented during the week of 10 November 2014.²¹
8. On 29 October 2014, the defence filed its "Defence request for recall of Witness P-178" ("Defence Request"),²² in which, *inter alia*, it requests that the Chamber recall Witness P-178 and delay the hearing of closing arguments until after the completion of Witness P-178's testimony and the filing of limited related submissions.²³
9. In support of its request, the defence submits that it is significant that, despite the [REDACTED] ".²⁴ The List, the defence argues, "poses an incomprehensible risk" to the quality of life of these individuals, is in breach to the Chamber's protective measures, is evidence of contact between witnesses called by the prosecution,

¹⁹ Transcript of hearing of 22 October 2014, ICC-01/05-01/08-T-361-CONF-ENG ET; transcript of hearing of 23 October 2014, ICC-01/05-01/08-T-362-CONF-ENG ET; and transcript of hearing of 24 October 2014, ICC-01/05-01/08-T-363-CONF-ENG ET.

²⁰ ICC-01/05-01/08-T-363-CONF-ENG ET, page 34, line 15 to page 35, line 2.

²¹ ICC-01/05-01/08-T-363-CONF-ENG ET, page 35, lines 3 to 4.

²² Defence request for recall of Witness P-178, 29 October 2014, ICC-01/05-01/08-3177-Conf.

²³ ICC-01/05-01/08-3177-Conf, paragraph 40.

²⁴ ICC-01/05-01/08-3177-Conf, paragraph 1.

and raises questions as to the motivation and veracity of all witnesses [REDACTED] .²⁵ The defence contends that, despite having heard the testimony of Witness P-169, the Chamber, parties, and participant are no closer to knowing how the List was created and “the level of contact and/or collusion between [...] witnesses which brought about its compilation”, a question the defence argues must be explored.²⁶

10. In addition, the defence argues that, given Witness P-169’s insistence that Witness P-178 was “the ringleader of the scheme to extort money from the ICC on the part of Prosecution witnesses”, Witness P-178 should, at the very least, be given the chance to defend himself.²⁷
11. Further, the defence notes the prosecution’s recent disclosure of records of its contact with Witness P-178²⁸ and contends that these materials were “patently disclosable at the time of their creation”.²⁹ The defence argues that the prosecution’s late disclosure has caused prejudice to the accused as the materials shed light on issues that have been litigated over the course of the past 12 months.³⁰
12. The defence submits that there is “good cause” to recall Witness P-178 (i) due to Witness P-178’s central role in issues related to contact with witnesses;³¹ (ii) as a remedy for late disclosure;³² (iii) in view of the fact that Witness P-178 is the

²⁵ ICC-01/05-01/08-3177-Conf, paragraph 2.

²⁶ ICC-01/05-01/08-3177-Conf, paragraph 4.

²⁷ ICC-01/05-01/08-3177-Conf, paragraph 5.

²⁸ ICC-01/05-01/08-3177-Conf, paragraph 6.

²⁹ ICC-01/05-01/08-3177-Conf, paragraph 6.

³⁰ ICC-01/05-01/08-3177-Conf, paragraph 6.

³¹ ICC-01/05-01/08-3177-Conf, paragraphs 10 to 15.

³² ICC-01/05-01/08-3177-Conf, paragraphs 16 to 21.

[REDACTED];³³ (iv) due to Witness P-178's relationship with "[REDACTED]";³⁴ (v) due to the need to explore the veracity of Witness P-178's claimed "threats";³⁵ and (vi) as a further check on the general credibility of Witness P-169.³⁶ The defence submits that there remain "too many unknowns" and that "allowing Witness P-169 to [...] transfer all responsibility to P-178 is of little assistance in a genuine search for the truth".³⁷ Accordingly, the defence argues that good cause exists to recall Witness P-178 and that there can be no suggestion that, with reasonable diligence, the evidence in question could have been identified and presented by the defence prior to the closing of evidence.³⁸

13. On 31 October 2014, the prosecution filed its "Prosecution's Response to Defence Request for Recall of Witness P-178",³⁹ in which it requests that the Chamber reject the Defence Request.⁴⁰ The prosecution submits that the defence has not provided any grounds justifying the recall of Witness P-178.⁴¹ The prosecution argues that the defence has not shown good cause or demonstrated that compelling circumstances suggest that evidence of highly probative value may be obtained through the recall of Witness P-178.⁴² Moreover, the prosecution argues, the defence has not proven any substantial change that would warrant the Chamber's reconsideration of a matter already adjudicated.⁴³

14. In addition, the prosecution submits that the Defence Request is based on

³³ ICC-01/05-01/08-3177-Conf, paragraphs 22 to 24.

³⁴ ICC-01/05-01/08-3177-Conf, paragraphs 25 to 30.

³⁵ ICC-01/05-01/08-3177-Conf, paragraphs 31 to 33.

³⁶ ICC-01/05-01/08-3177-Conf, paragraphs 34 to 36.

³⁷ ICC-01/05-01/08-3177-Conf, paragraph 37.

³⁸ ICC-01/05-01/08-3177-Conf, paragraph 38.

³⁹ Prosecution's Response to Defence Request for Recall of Witness P-178, 31 October 2014, ICC-01/05-01/08-3180-Conf.

⁴⁰ ICC-01/05-01/08-3180-Conf, paragraph 20.

⁴¹ ICC-01/05-01/08-3180-Conf, paragraph 19.

⁴² ICC-01/05-01/08-3180-Conf, paragraph 19.

⁴³ ICC-01/05-01/08-3180-Conf, paragraph 19.

incomplete readings of the disclosed information and misquotations of Witness P-169's recent testimony.⁴⁴ In the argument of the prosecution, Witness P-169 has properly addressed the defence's concerns regarding the allegations and issues contained in the Letters.⁴⁵ Further, the prosecution submits that the defence embarks into a discussion of witness management and security issues which fall within the VWU mandate and obligations and have no bearing on the recalling of Witness P-178.⁴⁶

15. On 31 October 2014, the legal representative of victims, Ms Marie-Edith Douzima-Lawson ("Ms Douzima") filed her "Réponse de la Représentante légale des victimes relative à « *Defence request for recall of Witness P-178* », ICC-01/05-01/08-3177-Conf",⁴⁷ in which she requests that the Chamber rule on the Defence Request in light of the additional information that the VWU may have collected regarding Witness P-178's conduct.⁴⁸ In addition, Ms Douzima requests that the Chamber, in case it decides to grant the Defence Request, give her the opportunity to respond to the additional submissions of the defence.⁴⁹ Ms Douzima recalls that during the hearing of 24 October 2014, the Chamber asked Witness P-169 to provide the VWU [REDACTED].⁵⁰ She further stresses that in its report of 10 October 2014 the VWU submitted that [REDACTED].⁵¹ Accordingly, Ms Douzima submits, it would be premature to recall Witness P-

⁴⁴ ICC-01/05-01/08-3180-Conf, paragraphs 3 and 9 to 13.

⁴⁵ ICC-01/05-01/08-3180-Conf, paragraphs 3 and 13 to 15.

⁴⁶ ICC-01/05-01/08-3180-Conf, paragraphs 3 and 17.

⁴⁷ Réponse de la Représentante légale des victimes relative à « *Defence request for recall of Witness P-178* », ICC-01/05-01/08-3177-Conf.

⁴⁸ ICC-01/05-01/08-3183-Conf, page 7.

⁴⁹ ICC-01/05-01/08-3183-Conf, page 7.

⁵⁰ ICC-01/05-01/08-3183-Conf, paragraph 7, referring to ICC-01/05-01/08-T-363-CONF-ENG ET, page 27, line 21 to page 28 line 2.

⁵¹ ICC-01/05-01/08-3183-Conf, paragraph 8, referring to Victims and Witnesses Unit Report pursuant to Decision ICC-01/05-01/08-3154-Conf, 10 October 2014, ICC-01/05-01/08-3161-Conf.

178 when the VWU [REDACTED].⁵²

16. Ms Douzima further stresses that the Defence Request once again makes unsubstantiated allegations regarding the falsification of victims' participation forms and the exaggeration of claims in an attempt to discredit the participating victims, allegations that are not supported by evidence and cause real prejudice to the victims.⁵³ Further, Ms Douzima argues that, contrary to the defence submissions, the allegations against Witness P-178 have no impact on the veracity of his testimony before the Court, which has not been challenged at any point in the proceedings.⁵⁴

II. Analysis and Conclusions

17. In accordance with Article 21(1) of the Statute, the Chamber has considered Articles 64(2), (7) and (9)(a), 67, 68(1) and 69(3) of the Statute, Rules 16 to 18 and 141 of the Rules and Regulations 20 and 23*bis*(3) of the Regulations of the Court ("Regulations").

18. As the Chamber held in Decision 3154, although the Statute and Rules do not expressly provide for a reopening of the case in order to permit the submission of additional evidence, in exceptional circumstances a case may be reopened to permit the presentation of "fresh" evidence.⁵⁵ Further, in determining whether there are sufficient grounds to recall a witness, the Chamber shall consider whether good cause to recall the witness has been demonstrated.⁵⁶ The Chamber reiterates that "judicial economy demands that recall should be granted only in

⁵² ICC-01/05-01/08-3183-Conf, paragraph 9.

⁵³ ICC-01/05-01/08-3183-Conf, paragraphs 10 and 11.

⁵⁴ ICC-01/05-01/08-3183-Conf, paragraph 13.

⁵⁵ ICC-01/05-01/08-3154-Conf, paragraph 25.

⁵⁶ ICC-01/05-01/08-3154-Conf, paragraph 27.

the most compelling circumstances where the evidence is of significant probative value and not of a cumulative nature”.⁵⁷

19. The Chamber notes that in Decision 2924 it rejected the defence’s request to recall Witness P-178 on the basis that it was:

not convinced by the defence’s assertion that the witnesses “acted as a collective bargaining unit” or that there was “collusion” between them. Indeed the attempted contact allegedly initiated by Witness 178 took place *after* the relevant witnesses testified and, as noted in the Prosecution Submissions, those witnesses who could be contacted by the prosecution to verify the information stated that they refused to attend such meeting. Accordingly, on the basis of the material before it, the Chamber finds that the defence’s assertion regarding “collusion” of witnesses is unsubstantiated.⁵⁸

20. In contrast to the Chamber’s reasoning when it reopened the presentation of evidence for the limited recall of Witness P-169,⁵⁹ the defence has demonstrated no substantial change of circumstances warranting reconsideration of the Chamber’s Decision 2924, or the existence of compelling and exceptional circumstances warranting an additional reopening of the presentation of evidence and the recall of Witness P-178.

21. The Chamber notes that the information related to the alleged [REDACTED] of Witness P-178, the fact that the witness was [REDACTED], his relationship with an unidentified “[REDACTED]”, and his allegations of threats, were already taken into account by the Chamber when issuing its Decision 2924.⁶⁰ The submissions in the Defence Request, based on the recent testimony of P-169, do not provide a basis for altering the assessment made at that time. In addition, the

⁵⁷ ICC-01/05-01/08-3154-Conf, paragraph 27 in relation to Decision on “Defence Motion concerning ‘Information on contacts [of] Witnesses 169 and 178 with other witnesses’”, 18 December 2013, ICC-01/05-01/08-2924-Conf, paragraph 35.

⁵⁸ ICC-01/05-01/08-2924-Conf, paragraph 34.

⁵⁹ ICC-01/05-01/08-3154-Conf, paragraphs 28 and 29.

⁶⁰ ICC-01/05-01/08-2924-Conf, *see, inter alia*, paragraphs 1, 5, 23 and 31.

Chamber is not convinced that the recall of Witness P-178 is warranted by the prosecution's recent disclosure of the items listed in Annex C to Filing 3171, as the substantive information they contain was made available to the defence in the prosecution's Filing 2827 of 3 October 2013.⁶¹ Lastly, the Chamber is not convinced that the recall of Witness P-178 is justified in order to further check the general credibility of Witness P-169, which the Chamber will assess against the entire record of the case, in its determination pursuant to Article 74(2) of the Statute. Therefore, the Chamber is not convinced that "good cause" to recall Witness P-178 has been shown.

22. As to the defence's submission that Witness P-178 should be recalled in order to explore how the List was created and the level of contact and/or collusion between witnesses which brought about its compilation, the Chamber remains unconvinced by the defence's allegations of possible collusion among witnesses. The Chamber is satisfied that the testimony of Witness P-169,⁶² and the reports submitted by the prosecution and the VWU in relation to the alleged contacts between witnesses,⁶³ is in line with the Chamber's assessment that the defence's

⁶¹ Information on contacts of Witnesses 169 and 178 with other witnesses [REDACTED], 3 October 2013, 3 October 2013, ICC-01/05-01/08-2827-Conf-Red.

⁶² See, *inter alia*, ICC-01/05-01/08-T-361-CONF-ENG ET, page 36, line 8 to 9, page 36, line 16, page 36, line 23 to page 37 line 1, page 37, lines 7 to 8, page 37, lines 15 to 16, page 38, line 7, page 39, lines 23 to 24, page 40, line 6, page 54, line 25 to page 55, line 14, page 56 lines 20 to 21, page 57, lines 6 to 10, page 69, line 19, page 70, line 5; ICC-01/05-01/08-T-362-CONF-ENG ET, page 3, line 22 to page 4, line 17, page 8 line 19, page 9, line 3; ICC-01/05-01/08-T-363-CONF-ENG ET, page 8, line 24 to 25, page 12, line 21 to page 14, line 25, page 16, lines 10 to 23.

⁶³ ICC-01/05-01/08-2827-Conf-Red2; Confidential Redacted Version of the Annex to Victims and Witnesses Unit's Report pursuant to ICC-01/05-01/08-2845-Conf-Exp-Ans, submitted on 17 February 2014, ICC-01/05-01/08-2975-Conf-Anx-Red; Victims and Witnesses Unit Report pursuant to Decision ICC-01/05-01/08-3177-Conf, 27 June 2014, ICC-01/05-01/08-3099-Conf; Second Lesser Confidential Redacted Version of ICC-01/05-01/08-Conf-Exp-Anx, 10 October 2014, ICC-01/05-01/08-3143-Conf-Anx-Corr-Red3; and Victims and Witnesses Unit Report pursuant to Decision ICC-01/05-01/08-3154-Conf, 10 October 2014, ICC-01/05-01/08-3161-Conf.

allegations of collusion among witnesses called by the prosecution is unsubstantiated.⁶⁴

23. Lastly, the Chamber notes the defence's submission that the List may [REDACTED] of the Relevant Witnesses and is in [REDACTED] of the Chamber's [REDACTED].⁶⁵ As noted in its previous decisions,⁶⁶ the Chamber is aware of its obligations under Article 68(1), as well as the VWU's responsibilities in accordance with Rules 16 to 19 of the Rules, and will continue to take any measures it considers appropriate and necessary to protect the safety, physical and psychological well-being, dignity, and privacy of victims and witnesses. In the Chamber's view, the recall of Witness P-178 will not necessarily further this aim.

24. Accordingly, the Chamber is not convinced that the defence has demonstrated that recalling Witness P-178 would provide the Chamber with "fresh" evidence necessary for the determination of the truth.

25. In view of the above, the Chamber hereby:

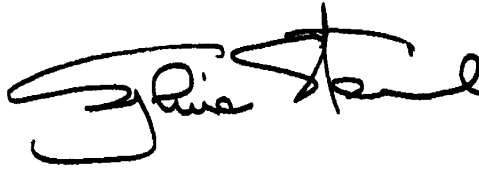
- i. REJECTS the Defence's Request; and
- ii. ORDERS the prosecution, the defence and the legal representative of victims to file a public redacted version of their filings or to inform the Chamber that they can be reclassified as public without redactions, by 7 November 2014 at the latest.

⁶⁴ ICC-01/05-01/08-2924-Conf, paragraph 34.

⁶⁵ ICC-01/05-01/08-3177-Conf, paragraph 2.

⁶⁶ See, *inter alia*, Confidential Redacted Version of "Decision on prosecution's 'Information on Contacts of Witnesses 169 and 178 with other witnesses [REDACTED]'" (ICC-01/05-01/08-2827-Conf-Exp) of 25 October 2013, 5 November 2013, ICC-01/05-01/08-2845-Conf-Red, paragraph 7.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 11 December 2014

At The Hague, the Netherlands