



Original: English

No.: ICC-01/05-01/08
Date: 19 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 REDACTED VERSION

“Registry Response to the ‘Defence Request for Disclosure of Information concerning Intermediary 2’ (ICC-01/05-01/08-3185-Conf) dated 3 November 2014” submitted on 4 November 2014 (ICC-01/05-01/08-3189-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

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
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms. Paolina Massidda

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

Mr. Xavier-Jean Keita

States' Representatives

Amicus Curiae

Registrar

Mr. Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Mr. Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Ms. Fiona McKay

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the Defence Request for Disclosure of Information concerning Intermediary 2 (the “Defence’s request”), notified on 3 November 2014;¹

NOTING the instruction of Trial Chamber III (the “Chamber”), conveyed by email on 31 October 2014,² that the Registry submits its response to the Defence's request, if any, by Tuesday, 4 November 2014 at 16.00;

NOTING the Decision of the Chamber on the Registry's "Report on issues concerning intermediaries' involvement in completion of applications for participation", notified on 11 July 2011;³

NOTING the Decision of the Chamber on the tenth and seventeenth transmissions of applications by victims to participate in the proceedings, notified on 19 July 2012;⁴

NOTING the Decision of the Chamber on 799 applications by victims to participate in the proceedings, notified on 5 November 2012;⁵

NOTING article 68(1) and (3) of the Rome Statute, rules 86 and 89(1) of the Rules of Procedure and Evidence, and regulations 23 *bis* (2) and 24 *bis* of the Regulations of the Court;

CONSIDERING that the Defence requests that the Chamber orders the Registry to disclose detailed information concerning the victims and applicants assisted by

¹ ICC-01/05-01/08-3185-Conf.

² Email of 31 October 2014 from Legal Officer, Trial Division, to Division of Court Services.

³ ICC-01/05-01/08-1593-Conf.

⁴ ICC-01/05-01/08-2247-Conf.

⁵ ICC-01/05-01/08-2401.

Intermediary 2,⁶ who the Defence asserts could be a person mentioned in the course of testimony given by witness P-169;⁷

OBSERVES AS FOLLOWS:

a) Observations on the request of the Defence:

1. It is unclear to the Registry exactly what information is being requested, and what is meant by “the details of all victim applications”, and consequently the Registry cannot comment on what any transmission would involve and how much time it would take. While a list of applications submitted with the assistance of Intermediary 2 could be provided without delay, the disclosure of these applications would require a significant amount of time necessary for their redactions.
2. The Registry observes that it did not identify “[REDACTED]” as being Intermediary 2 in its report notified on 3 June 2011,⁸ contrary to what has been alleged by the Defence.⁹ In addition, the Registry notes that during the relevant testimony, reference is made to the stature of the individual identified as “[REDACTED]” by Witness P-169 (“[REDACTED]”),¹⁰ which does not appear to the Registry to correspond to the physical appearance of the individual met by the Registry staff and identified in the Registry’s report as Intermediary 2.¹¹

⁶ ICC-01/05-01/08-3185-Conf, para.1.

⁷ ICC-01/05-01/08-1478-Conf.

⁸ ICC-01/05-01/08-1478-Conf.

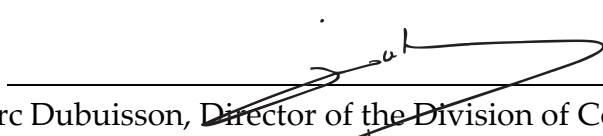
⁹ ICC-01/05-01/08-3185-Conf, para.5.

¹⁰ ICC-01/05-01/08-T-361-CONF-ENG ET, p 40, line 9.

¹¹ ICC-01/05-01/08-1478-Conf.

b) Further observations from the Registry

3. Regarding the role of Intermediary 2, the Registry already submitted its observations regarding the allegations of Witness P-73,¹² and filed the results of the inquiry,¹³ in accordance with the Chamber's instructions.¹⁴ It does not have further remarks or new information on the role played by this intermediary in the completion of applications for participation and/or reparations.
4. The Registry notes that a previous defence request for communication of lesser redacted versions of the applications transmitted which had been completed with the assistance of Intermediary 2 was addressed by the Chamber.¹⁵ Should the Chamber decide to modify its previous decision, the Registry respectfully suggests that the respective legal representatives of the victims and, where relevant, the legal representatives of the applicants be given the opportunity to provide observations.



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

Dated this 19 December 2014

At The Hague, The Netherlands

¹² ICC-01/05-01/08-1478-Conf.

¹³ IC ICC-01/05-01/08-1960-Conf-Exp.

¹⁴ ICC-01/05-01/08-1593-Conf, para. 37.

¹⁵ ICC-01/05-01/08-2247-Conf.