



Original: English

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

Date: 17/08/2015

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

**Defence Request concerning the 'Prosecution's Application for redactions
pursuant to rule 81(4) of the Rules of Procedure and Evidence'**

Source: Defence for Mr. Jean-Pierre Bemba Gombo

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda

Jean-Jacques Badibanga

Counsel for the Defence

Peter Haynes QC

Kate Gibson

Melinda Taylor

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Other**

A. SUBMISSIONS

1. On 13 August 2015, the Prosecution filed its 'Prosecution's Application for redactions pursuant to rule 81(4) of the Rules of Procedure and Evidence', ('Prosecution Application')¹ in which it sought redactions to an investigator's report regarding a meeting with a Prosecution witness.

2. The Prosecution submits that the redaction is necessary, as the report 'contains information relevant to the credibility of Prosecution witnesses', and that 'disclosure of the full non-redacted text of the report would put at risk a witness, his family members and third innocent parties.'²

3. The Prosecution does not indicate which of its witnesses are affected by the investigator's report in question. In the absence of even the P-numbers of these witnesses, the Defence is unable to make an informed response or seek any meaningful instructions in relation to the Prosecution Application. As found by the Appeals Chamber, 'prior to ruling on the application for redactions, the Pre-Trial Chamber should give the Defence the greatest possible opportunity to make submissions on the issues involved, necessarily without revealing to the Defence the information which the Prosecutor alleges should be protected.'³

4. The Defence therefore respectfully requests that the Trial Chamber:

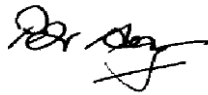
ORDER the Prosecution to inform immediately the Defence of the witnesses to which the Prosecution Application refers, and provide any further information which will assist the Defence in making submissions on the issues involved.

¹ ICC-01/05-01/08-3283.

² ICC-01/05-01/08-3283, para. 2.

³ ICC-01/04-01/07-475, para. 73.

The whole respectfully submitted.

A handwritten signature in black ink, appearing to read 'Peter Haynes', with a stylized flourish at the end.

Peter Haynes QC

Lead Counsel for Mr. Jean-Pierre Bemba

Done at The Hague, the Netherlands

17 August 2015