

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/05-01/08  
Date: 10 February 2016

**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 of the “Victims and Witnesses Unit’s observations on the Urgent  
Defence Request for Reclassification (ICC-01/05-01/08-3317-Anx1)”**

**Source:** The 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

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**Legal Representatives of Victims**

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**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**

**States Representatives**

**Amicus Curiae**

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**REGISTRY**

**Registrar**

Mr Herman von Hebel

**Defence Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other  
Trial Chamber VII**

## I. INTRODUCTION

1. The present filing is submitted according to an instruction from Trial Chamber III ("the Chamber") sent to the Victims and Witnesses Unit ("the VWU") via e-mail on 21 January 2016<sup>1</sup>.

## II. PROCEDURAL HISTORY

2. On 20 January 2016 the Registry filed a "transmission of 'Urgent Defence Request for Reclassification'"<sup>2</sup> that contains in it annex 1 the "Urgent Defence Request for Reclassification"<sup>3</sup> ("the Request").
3. In its Request, the Defence requested Trial Chamber III "to authorize the transmission of the Filings contained in an *Ex parte* Confidential Annex A to the parties in Case No. ICC-01/05-01/13".
4. The Chamber then requested the Victims and Witnesses Unit ("the VWU") to "file its observations, including any recommendations for redactions, by 27 January 2016".

## III. CLASSIFICATION

5. Pursuant to regulation 23bis (1) of the Regulations of the Court, the Registry files the present report as confidential ex parte as it contains confidential information.

## IV. SUBMISSION

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<sup>1</sup> Email sent at 15h03.

<sup>2</sup> ICC-01/05-01/08-3317.

<sup>3</sup> ICC-01/05-01/08-3317- Anx1.

6. The VWU reviewed the Registry's documents and the transcripts listed in the Annex A of the Request. For that reason, the VWU is of the view that some information should not be shared with the parties in case No. ICC-01/05-01/13. Consequently, the VWU considers that, should the Chamber grant the request, some documents listed in the Defence request should be redacted as proposed below.

a) Documents that could be transmitted to the parties in case No. ICC-01/05-01/13 without redactions

- ICC-01/05-01/08-1478-Conf
- ICC-01/05-01/08-2513-Conf
- ICC-01/05-01/08-2903-Conf
- ICC-01/05-01/08-T-241-CONF-EXP-ENG

b) Documents that could be transmitted with redactions

7. For all other documents listed by the Defence, the VWU recommends redacting the information relating to the agreements concluded with foreign countries or International Organisation as this is part of the confidential modus operandi of the VWU to facilitate the appearance of witnesses. The VWU considers that this information should not be further disseminated. Consequently and when applicable, the VWU recommends redacting all references to [REDACTED].

- ICC-01/05-01/08-2498-Conf-Exp
- ICC-01/05-01/08-2840-Conf
- ICC-01/05-01/08-T-271-CONF-ENG
- ICC-01/05-01/08-2239-Conf-Exp
- ICC-01/05-01/08-2446-Conf-Exp
- ICC-01/05-01/08-2664-Conf-Exp
- ICC-01/05-01/08-T-282-CONF-EXP-ENG
- ICC-01/05-01/08-T-253-CONF-EXP-ENG
- ICC-01/05-01/08-T-226-CONF-EXP-ENG
- ICC-01/05-01/08-T-307-CONF-EXP-ENG

8. In addition to this, the VWU recommends some specific redactions as listed below. The VWU indeed considers that any information related to its internal procedures should not be made available to any parties and participants in another proceeding without a specific justification in that regard. Furthermore, identifying information of former witnesses in the Bemba case should, in VWU opinion, be redacted as the VWU is not in a position to assess the impact further dissemination of identifying information would have on the security of the individuals concerned. In that regard it must be emphasized that the consent of the said individuals to this additional disclosure could not be sought.

- ICC-01/05-01/08-2239-Conf-Exp

The information about the VWU's internal procedures should be redacted.

- ICC-01/05-01/08-2446-Conf-Exp

In case the identities of the Defence witnesses in the main case have not been disclosed to the parties in case No. ICC-01/05-01/13, the VWU recommends redacting any identifying information related to witnesses.

The information related to location of witnesses as well as the location of witnesses.

- ICC-01/05-01/08-2664-Conf-Exp

The operational contacts of the VWU to facilitate the appearance of the witness should be redacted as this relates to VWU's internal procedures.

- ICC-01/05-01/08-T-282-CONF-EXP-ENG

The VWU recommends redacting the names, locations and professional activities of Defence witnesses, unless agreed by the Defence in the main case. Any reference to specific individuals<sup>4</sup>

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<sup>4</sup> Such as the security adviser of President Kabila.

linked to the witnesses should also be redacted, as it could lead the identification of the witness.

In addition, information as to where witnesses are brought by VWU when they are sick should be redacted as this is part of its internal procedure.

- ICC-01/05-01/08-T-253-CONF-EXP-ENG

The VWU recommends redacting the part related to the psycho-social assessments should be redacted as this is of confidential nature.

- ICC-01/05-01/08-T-226-CONF-EXP-ENG

The VWU recommends redacting the names of the countries of origin of the witnesses and their occupation in order to avoid their identification.

- ICC-01/05-01/08-T-307-CONF-EXP-ENG

The VWU recommends redacting the names of Prosecution witnesses in the main case, unless agreed by the Prosecution.



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

Dated this 10 February 2016

At The Hague, The Netherlands