

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/05-01/13

Date: 17 March 2016

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

***THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

**Confidential, *EX PARTE*, only available to the Prosecution
with**

Confidential, *EX PARTE*, only available to the Prosecution, Annexes A to C

Prosecution's Application for Non-Standard Redactions

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

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

States Representatives

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REGISTRY

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Others
Section**

I. Introduction

1. As ordered by Trial Chamber VII ("Chamber"),¹ the Office of the Prosecutor ("Prosecution") requests authorisation to apply "non-standard redactions", pursuant to the Protocol Establishing a Redaction Regime.²

2. The Prosecution seeks limited redactions to confidential information contained in the following three documents:

- (i) An Investigator's Report concerning Witness P-0256,³ pursuant to articles 54(3)(f) and 68(1) of the Rome Statute, and rule 81(4) of the Rules of Procedure and Evidence. The redactions sought concern information on the security situation of Witness P-0256's family;
- (ii) A communication log concerning Witness P-0256,⁴ pursuant to articles 54(3)(f) and 68(1), and rule 81(4). The redactions sought concern information of a medical nature pertaining to the Witness; and
- (iii) A Prosecution Request for Assistance ("RFA"),⁵ pursuant to articles 54(3)(f) and 64(6)(c), and rule 81(3). The redactions sought concern the names of two government officials from the Central African Republic ("CAR").

¹ ICC-01/05-01/13-959, p. 19.

² ICC-01/05-01/13-959 with Annex.

³ CAR-OTP-0093-0157.

⁴ CAR-OTP-0093-0167.

⁵ CAR-OTP-0093-0209.

II. Confidentiality

3. This filing and its annexes are classified as “Confidential, *ex parte*, only available to the Prosecution”, as they contain confidential information to which the Defence is not entitled and which forms the substance of this request. Revealing this information would undermine the requested relief. The Prosecution will file a confidential redacted version of this request shortly.

III. Background

4. On 22 May 2015, the Chamber issued its “Decision on Modalities of Disclosure”. The Decision sets out the procedure regarding “standard” and “non-standard” redactions, both for those approved by the Pre-Trial Chamber and those newly applied.⁶

5. On 4 March 2016, the Prosecution disclosed the Investigator’s Report and Witness P-0256’s communication log to the Defence *via* e-Court with “non-standard” redactions applied to matters concerning the Witness’ security and health.⁷

6. On 9 March 2016, the Prosecution disclosed the RFA to CAR authorities to the Defence *via* e-Court with “non-standard” redactions applied to the names and function of officials in the CAR.⁸

⁶ ICC-01/05-01/13-959 with Annex.

⁷ Rule 77 Package 43.

⁸ Rule 77 Package 44.

IV. Submissions

7. The Prosecution requests that redactions regarding matters concerning the security situation of Witness P-0256's family be maintained.⁹ The proposed redactions are limited and necessary to protect the Witness' and his family's privacy, well-being, and safety. They are consistent with articles 54(3)(f) and 68(1), and rule 81(4). If disclosed, the information may expose the Witness and his family to harm and harassment.

8. The Prosecution further requests that redactions concerning information of a personal medical nature of Witness P-0256 be maintained.¹⁰ The proposed redactions are limited and necessary to protect the Witness' dignity and privacy.

9. Similarly, and in accordance with articles 54(3)(f) and 64(6)(c) and rule 81(3), the Prosecution requests that the redactions to the names and functions of two persons copied in the RFA be maintained.¹¹ The individuals are critical to the Prosecution's current operations in CAR and the disclosure of their names may affect the integrity of the Prosecution's investigative activities on the CAR territory, and/or the on-going cooperation with, and judicial assistance from the CAR authorities.¹²

10. The non-disclosure of the information sought to be redacted in all three documents is not prejudicial to, or inconsistent with, the rights of the Accused because the information has no bearing on the material facts of this case.¹³

⁹ CAR-OTP-0093-0157 at 0158 and 0159, Annex A.

¹⁰ CAR-OTP-0093-0167 at 0168, Annex B.

¹¹ CAR-OTP-0093-0209 at 0209, Annex C.

¹² Cfr. ICC-01/05-01/13-1632, para. 16; ICC-01/05-01/13-1722, para. 9.

¹³ ICC-01/04-01/07-475 OA, para. 72.

V. Relief Sought

11. For the foregoing reasons, the Prosecution requests the Chamber to authorise the proposed redactions as applied in highlights in Annexes A to C.



Fatou Bensouda, Prosecutor

Dated this 17th Day of March 2016
At The Hague, The Netherlands