

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 17 August 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 Document

**Public redacted version of “Prosecution’s Additional Information on P169’s
Communication on 23 August 2014”, 25 September 2014, ICC-01/05-01/08-3150-Conf-
Exp**

Source: The Office of the Prosecutor

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

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1. The Office of the Prosecutor (“Prosecution” or “OTP”) informs Trial Chamber III (“Chamber”) of developments in the issues related to witness CAR-OTP-PPPP-0169 (“P169”) and 21 other protected witnesses.

2. On 23 September 2014, during a status conference, the Prosecution stated that it received P169’s 5 August 2014 letter (“the 5 August letter”) for the first time on 3 September 2014.¹ At the time of the statement the Prosecution believed it to be correct.

3. Later on 23 September 2014, the Prosecution conducted additional checks to ensure that no section or unit of the OTP had received the [REDACTED] the 5 August letter. The Prosecution also verified whether, on the basis of information provided in a previous filing² and the fact that [REDACTED] - belongs to a staff member of the OTP’s Operational Support Unit (“OSU”), the OSU had not, in fact, inadvertently received a copy of [REDACTED]. The answer to that inquiry was a positive one.

4. The [REDACTED] in question was used for [REDACTED], to avoid P169 sending communications [REDACTED]. On 6 November 2012, OSU decided to suspend its use [REDACTED], and OSU informed P169 of the decision on the same day. On 6 November 2012, P169 was provided with adequate alternate means to communicate securely with the Prosecution. Since then P169 used the new communication means to contact the OSU and only a few times made resort to the [REDACTED]. Once the communications system was changed, [REDACTED].

¹ ICC-01/05-01/08-T-360-CONF-ENG RT, 23 September 2014, p. 22, lines 8 to 13; p.22, line 20 to p. 23, line 2. ICC-01/05-01/08-T-360-CONF-FRA RT, 23 September 2014, p. 22, lines 13 to 18; p.22, line 26 to p. 23, line 6.

² ICC-01/05-01/08-2827-Conf-Exp, Information on contacts of Witnesses 169 and 178 with other witnesses located in Central African Republic, 3 October 2013, footnote 3.

5. Consequently, the OSU staff member [REDACTED] was not aware that P169 had sent [REDACTED] until 23 September 2014, when the staff member was instructed [REDACTED]. The OSU staff member did so and only at that time discovered P169's [REDACTED].

6. The Prosecution submits this filing to clarify the record and to assist the Victims and Witnesses Unit in assessing how broadly the information in P169's letter was disseminated.

7. This Information is filed as "Confidential, *EX PARTE*, only available to the Prosecution and Victims and Witnesses Unit" pursuant to Regulation 23*bis* of the Regulations of the Court, as it contains information on operational aspects of witness management and protection that should not be revealed. The Prosecution is simultaneously filing a confidential redacted version.

8. The Prosecution will continue to provide updates to the Chamber on issues related to P169, as soon as information is available.



Fatou Bensouda, Prosecutor

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