

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **French**

No.: ICC-01/05-01/08
Date: **27 January 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***

Confidential

With confidential annex not disclosed to parties in Case No. ICC-01/05-01/13

Response of the Legal Representative of Victims to “Narcisse Arido’s request for reclassification of certain materials related to Witness P-169”

Source: Ms Marie-Edith Douzima-Lawson, Legal Representative of Victims

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

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Legal Representatives of Victims

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Section**

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Trial Chamber VII

I. INTRODUCTION

1. On 22 January 2016, the Registry transmitted to Trial Chamber III (the “Chamber”) the request made on 21 January 2016 by the Defence for Mr Narcisse Arido (the “Defence”), a party to Case No. ICC-01/08-01/13.¹
2. On 25 November 2015, the Chamber instructed the Registry to notify the Legal Representative of Victims (the “Legal Representative”) of the Defence request appended to the Registry’s communication² and it set a deadline of 27 January 2016 for filing any response, including any request for redactions.³

II. LEVEL OF CONFIDENTIALITY

3. Pursuant to regulation 23 *bis*(2) of the Regulations of the Court, the Legal Representative files the present response and its annex as “confidential”.
4. The Legal Representative specifies that the annex, which contains her redaction proposals, must not be disclosed to the parties to Case No. ICC-01/08-01/13 since it includes information on the identity and location of victims – sensitive and confidential information unknown to those parties.

III. SUBMISSIONS

5. The Legal Representative observes that the Defence’s request is entitled “Narcisse Arido’s request for reclassification of certain materials related to

¹ “Registry transmission of ‘Narcisse Arido’s request for reclassification of certain materials related to P-169’”, 22 January 2016, ICC-01/05-01/08-3319-Conf.

² “Narcisse Arido’s request for reclassification of certain materials related to P-169”, 21 January 2016, ICC-01/05-01/08-3319-Conf-Anx.

³ E-mail from the Chamber addressed to the parties and the Legal Representative of Victims, dated 25 January 2016.

Witness P-169".⁴ She considers that it amounts to a request for the disclosure of confidential documents in Case No. ICC-01/05-01/08. The Legal Representative notes that the Chamber has already ruled on similar requests from parties to Case No. ICC-01/05-01/13.⁵

6. In the instant case, the Defence is requesting the Chamber to disclose three specific confidential documents in Case No. ICC-01/05-01/08.⁶
7. The Legal Representative has noted the reasons cited by the Defence in support of its request⁷ and informs the Chamber that she does not object to the disclosure of the documents in question to the Defence for Mr Arido. She submits, however, that one of the documents in question⁸ contains sensitive information about the identity and location of victims whom she represents.⁹ The Legal Representative contends that the disclosure of this information to parties to Case No. ICC-01/05-01/13 – third parties with respect to Case No. ICC-01/05-01/08 – would be detrimental to her clients' personal interests since it is likely to jeopardise their safety and physical and psychological well-being within the meaning of article 68(1) of the

⁴ Emphasis added.

⁵ See, in particular "Decision on 'Transmission of a submission from Mr Nick Kaufman dated 22 January 2014'", 13 February 2014, ICC-01/05-01/08-2972; "Decision on 'Registry Transmission of a Submission received from the Defence for Mr Narcisse Arido dated 18 August 2014'", 5 September 2014, ICC-01/05-01/08-3134-Conf; "Decision on 'Registry Transmission of a Joint Request received from the Defence teams in the Bemba *et al.* case (ICC-01/05-01/13)'", 18 September 2015, ICC-01/05-01/13-3298; "Decision on 'Registry Transmission of a submission from the Defence for Mr Bemba in the Bemba *et al.* case (ICC-01/05-01/13)'", 30 September 2015, ICC-01/05-01/08-3302; "Decision on 'Registry Transmission of a document submitted by the Defence for Mr Jean-Jacques Kabongo Mangenda on 12 November 2015'", 8 January 2016, ICC-01/05-01/08-3312.

⁶ "Redacted version of 'Decision on "Prosecution's Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169" (ICC-01/05-01/08-3138-Conf-Red) and "Defence Urgent Submissions on the 5 August Letter" (ICC-01/05-01/08-3139-Conf) of 2 October 2014'", 10 October 2014, ICC-01/05-01/08-3154-Red; "Confidential redacted version of 'Prosecution's Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169', 11 September 2014, ICC-01/05-01/08-3138-Conf-Exp", 12 September 2014, ICC-01/05-01/08-3138-Conf-Red; Annex A to "Confidential redacted version of 'Prosecution's Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169', 11 September 2014, ICC-01/05-01/08-3138-Conf-Exp", 12 September 2014, ICC-01/05-01/08-3138-AnxA.

⁷ See 3319-Anx, paras. 13, 16, 17 and 19.

⁸ ICC-01/05-01/08-3138-AnxA.

⁹ Eleven (11) dual-status witnesses: W110, W112, W80, W29, W82, W87, W22, W23, W69 and W42.

Statute of the Court.

8. The Legal Representative accordingly requests the Chamber to order the redaction of that sensitive information from the document in question before it is disclosed to the parties to Case No. ICC-01/05-01/13. To that end, the Legal Representative submits her redaction proposals to the Chamber in an annex to the present response.¹⁰

IN THE LIGHT OF THE FOREGOING, the Legal Representative respectfully requests the Chamber to:

ORDER that the redactions submitted by the Legal Representative be applied to document ICC-01/05-01/08-3138-Conf-AnxA before it is disclosed to the Defence for Mr Arido.

[signed]

Ms Marie-Edith Douzima-Lawson

Dated this 27 January 2016,

At The Hague, the Netherlands

¹⁰ Annex 1.