

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 November 2014

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

**Decision on the "Addendum to Prosecution's Request for Reclassification of 40
admitted Documents as Public and for Application of Redactions"**

Decision 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

Counsel for the Defence

Mr Peter Haynes
Ms Kate Gibson
Ms Melinda Taylor

Legal Representatives of the Victims

Ms Marie Edith Douzima-Lawson

Legal Representatives of the Applicants

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

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber III (“Chamber”) of the International Criminal Court in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Bemba case”) issues the following Decision on the “Addendum to Prosecution’s Request for Reclassification of 40 admitted Documents as Public and for Application of Redactions” (“Decision”).

1. On 24 January 2014, the Office of the Prosecutor (“prosecution”) filed its “Prosecution’s Request for Reclassification of 40 admitted Documents as Public and for Application of Redactions” (“Request 2946”),¹ in which it proposes redactions to a total of 40 documents, including, *inter alia*, item CAR-OTP-0010-0170_R03.²

2. On 26 May 2014, the Chamber issued its “Decision on the ‘Prosecution’s Submissions pursuant to the Order on the classification of items admitted into evidence’ and other evidentiary issues”,³ in which it, *inter alia*, postponed its decision on the reclassification of items CAR-OTP-0064-0547 (EVD-T-OTP-00119) and CAR-OTP-0010-0170_R03 (EVD-T-OTP-00047) and ordered the prosecution to submit proposals for redactions or to inform the Chamber that they could be reclassified as public with no redactions, within two weeks of the notification of such decision.⁴ As to item CAR-OTP-0010-0170_R03, the Chamber noted that it contained two written statements, but the prosecutor had proposed redactions only in relation to the first statement, omitting to propose redactions to the second statement starting at ERN CAR-OTP-0010-0192.⁵

¹ Prosecution’s Request for Reclassification of 40 admitted Documents as Public and for Application of Redactions, 24 January 2014, ICC-01/05-01/08-2946, with Confidential Annex A and Confidential Annexes 1 to 40.

² ICC-01/05-01/08-2946-Conf-Anx31.

³ Decision on the “Prosecution’s Submission pursuant to the Order on the classification of items admitted into evidence” and other evidentiary issues, 26 May 2014, ICC-01/05-01/08-3072-Conf, a public redacted version of this decision was filed on 27 May 2014, ICC-01/05-01/08-3072-Red.

⁴ ICC-01/05-01/08-3072-Red, paragraph 26(b) and (i).

⁵ ICC-01/05-01/08-3072-Red, paragraph 16.

3. On 11 June 2014, the prosecution filed its "Addendum to Prosecution's Request for Reclassification of 40 admitted Documents as Public and for Applications of Redactions, ICC-01/05-01/08-2946, 24 January 2014" ("Request 3088"),⁶ submitting proposals for redaction of items CAR-OTP-0064-0547 and CAR-OTP-0010-0192, and requesting their reclassification as public with redactions.⁷
4. In accordance with Article 21(1) of the Rome Statute ("Statute"), the Chamber has considered Articles 64(2), 64(6)(c), 64(7), 64(10), 67(1), 68 and 69(5) of the Statute, Rule 137(2) of the Rules of Procedure and Evidence, Regulations 20(3), 21(7), 23bis(3) and 26 and of the Regulations of the Court and Regulations 10, 14 and 18 of the Regulations of the Registry.
5. Having reviewed the proposals for redactions submitted by the prosecution, the Chamber is satisfied that the redactions are necessary, limited and sufficient to protect witnesses, victims or any third persons at risk on account of the Court's activities. As such, the Chamber is satisfied that the abovementioned items can be reclassified as public once the redactions proposed by the prosecution in Annex 31 of the Prosecution Submission 2946, and Annexes 1 and 2 to the Prosecution Submission 3088 are applied.
6. In view of the above, the Chamber hereby:
 - a) GRANTS the prosecution's request to reclassify as public item CAR-OTP-0010-0170_R03 (EVD-T-OTP-00047), with the redactions proposed in Annex 31 of the Request 2946, except for pages 24 to 33

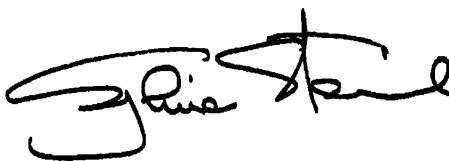
⁶ Addendum to Prosecution's Request for Reclassification of 40 admitted Documents as Public and for Applications of Redactions, ICC-01/05-01/08-2946, 24 January 2014, 11 June 2014, ICC-01/05-01/08-3088, with three confidential annexes ICC-01/05-01/08-3088-Conf-AnxA, ICC-01/05-01/08-3088-Conf-Anx1 and ICC-01/05-01/08-3088-Conf-Anx2.

⁷ Proposals for redactions appear highlighted in yellow in documents ICC-01/05-01/08-3088-Conf-Anx1 and ICC-01/05-01/08-3088-Conf-Anx2.

of Annex 31,⁸ which should be replaced by the redactions proposed in Annex 2 of the Request 3088;

- b) GRANTS the prosecution's request to reclassify as public item CAR-OTP-0064-0547 (EVD-T-OTP-00119), with the redactions proposed in Annex 1 of the Request 3088; and
- c) ORDERS the prosecution to upload public redacted version of items CAR-OTP-0010-0170_R03 (EVD-T-OTP-00047) and CAR-OTP-0064-0547 (EVD-T-OTP-00119) to eCourt, implementing the redactions authorised in sub-paragraphs a) and b) above.

Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 20 November 2014

At The Hague, the Netherlands

⁸ Corresponding to pages 23 to 32 of item CAR-OTP-0010-0070_R03.