

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **29 June 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

“Decision ordering the VWU to provide information relating to the ‘Requête en mesures de protection du témoin CAR-D04-PPPP-0049’”, ICC-01/05-01/08-2469 of 6 December 2012

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

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

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* issues the following Decision ordering the VWU to provide information relating to the “Requête en mesures de protection du témoin CAR-D04-PPPP-0049”.

1. On 21 November 2012, the Victims and Witnesses Unit (“VWU”) informed the Chamber that on 16 November 2012 it had received a referral for protection of witness CAR-D04-PPPP-0049 (“Witness D04-49”) from the defence.¹
2. On 6 December 2012, the defence filed its “Requête en mesures de protection du témoin CAR-D04-PPPP-0049”.² In the request, the defence refers to an email it received from Witness D04-49 detailing fears he holds relating to his [REDACTED] security [REDACTED].³ The defence further states that the VWU has decided that Witness D04-49 would [REDACTED].⁴ The defence asserts that the measures envisaged by the VWU are manifestly insufficient⁵ and requests that the Chamber suspend the implementation of the VWU’s decision and convene a status conference to decide on the merits of the fears expressed by the witness.⁶
3. For the purpose of its consideration of the defence’s request, the Chamber requires the VWU to provide it with a full assessment of the witness’s security situation and the status of the defence’s referral for protection of Witness 49.

¹ Victims and Witnesses Unit’s Observations Pursuant to “Decision requesting the VWU’s observations on the “Demande de mesures de protection en faveur du témoin D04-49 (Règle 87-1 du Règlement de procédure et de preuve” (ICC-01/05-01/08-2420-Conf-Exp), 21 November 2012, ICC-01/05-01/08-2428-Conf-Exp, paragraph 1.

² Requête en mesures de protection du témoin CAR-D04-PPP-0049, confidential and *ex parte* defence and Victims and Witnesses Unit only, 6 December 2012, ICC-01/05-01/08-2468-Conf-Exp.

³ ICC-01/05-01/08-2468-Conf-Exp, paragraph 1.

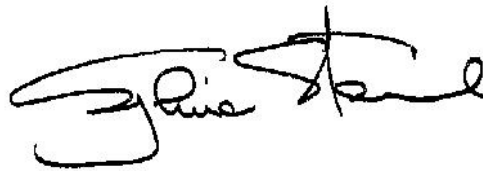
⁴ ICC-01/05-01/08-2468-Conf-Exp, paragraph 2

⁵ ICC-01/05-01/08-2468-Conf-Exp, paragraph 3 («manifestement insuffisantes » in the original French version).

⁶ ICC-01/05-01/08-2468-Conf-Exp, paragraphs 3 and 4.

4. In light of the above, and pursuant to Articles 43(6) and 68(1) of the Rome Statute and Rules 17(2)(a)(i) and (ii) of the Rules of Procedure and Evidence, the Chamber hereby ORDERS the VWU to provide it with a full assessment as to the security situation of Witness D04-49 and the status of the referral for protection. Due to the urgency of the matter, the assessment shall first be submitted by way of email by no later than 15.00 today, 6 December 2012. This email shall be followed by a formal filing as soon as practicable.

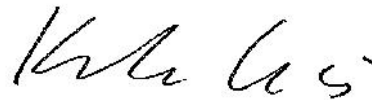
Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 29 June 2016

At The Hague, the Netherlands