



Original: English

**No. ICC-01/05-01/08 A2
Date: 14 September 2016**

THE APPEALS CHAMBER

Before: Judge Christine Van den Wyngaert, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Chile Eboe-Osuji
Judge Piotr Hofmański

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO

Public redacted document

Public Redacted Version of “Decision on ‘Prosecution’s Application for Redactions to the Expert Report admitted into Evidence for Sentencing’”

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

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Helen Brady

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Legal Representative of Victims

Ms Marie-Edith Douzima-Lawson

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

The Office of Public Counsel for Victims

Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

Victims and Witnesses Unit

Mr Nigel Verrill

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Trial Chamber III entitled “Decision on Sentence pursuant to Article 76 of the Statute” of 21 June 2016 (ICC-01/05-01/08-3399),

Having before it the “Prosecution’s Application for Redactions to the Expert Report admitted into Evidence for Sentencing” dated 2 August 2016 and registered on 3 August 2016 (ICC-01/05-01/08-3417-Conf),

Renders the following

DECISION

The above-mentioned application is granted.

REASONS

1. On [REDACTED], Trial Chamber III (“Trial Chamber”) authorised measures to protect the identity of witness [REDACTED].¹ On [REDACTED], the Trial Chamber granted protective measures for witness [REDACTED].²
2. On 11 December 2013, the Trial Chamber ordered the parties to review the confidentiality of all items admitted into evidence and to “request that the Chamber reclassify as public, with or without redactions, items in relation to which the reasons for maintaining their confidentiality no longer exist”.³
3. On 2 August 2016, the Prosecutor submitted an application for redactions⁴ to an expert report of witness CAR-OTP-PPPP-0925 (“P925”)⁵ and its corresponding translation,⁶ which were admitted into evidence during the sentencing proceedings and contain information regarding witnesses [REDACTED] that must not be disclosed to the public in accordance with the protective measures adopted by the

¹ [REDACTED]

² [REDACTED]

³ “Order on the classification of items admitted into evidence”, ICC-01/05-01/08-2921, para. 4.

⁴ “Prosecution’s Application for Redactions to the Expert Report admitted into Evidence for Sentencing”, dated 2 August 2016 and registered on 3 August 2016, ICC-01/05-01/08-3417-Conf.

⁵ CAR-OTP-0094-0493.

⁶ CAR-OTP-0094-0581.

Trial Chamber (“Prosecutor’s Redaction Request”).⁷ Mr Bemba did not respond to the Prosecutor’s Redaction Request.

4. Having reviewed the Prosecutor’s Redaction Request and the relevant decisions of the Trial Chamber in this regard, the Appeals Chamber is satisfied that the expert report provided by P925 and its translation may be redacted in accordance with the Prosecutor’s Redaction Request.

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



Judge Christine Van den Wyngaert
Presiding Judge

Dated this 14th day of September 2016

At The Hague, The Netherlands

⁷ Prosecutor’s Redaction Request, paras 1, 3-4, 7, 10. *See also* [REDACTED].