

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 24 March 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 defence's and Maître Marie-Edith Douzima-Lawson's
Submissions on the "Order on the classification of items admitted into
evidence" (ICC-01/05-01/08-2921)**

Order 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

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

Mr Patrick Craig

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 defence’s and Maître Marie-Edith Douzima-Lawson’s Submissions on the “Order on the classification of items admitted into evidence” (ICC-01/05-01/08-2921) (“Decision”).

1. On 11 December 2013, the Chamber issued its “Order on the classification of items admitted into evidence”,¹ in which, noting that there was some uncertainty in the record of the case as to the level of confidentiality of some items admitted into evidence, it ordered the parties and the participants to review the level of confidentiality of all items originating from them and, *inter alia*, (i) to request that the Chamber reclassify as public, with or without redactions, any items in relation to which the reasons for maintaining their confidentiality no longer exist; or (ii) to inform the Chamber of the reasons for maintaining the confidentiality of any items for which reclassification as public is not requested, by 10 January 2014 at the latest.²

2. On 8 January 2014, Maître Marie-Edith Douzima-Lawson (“Me Douzima”) submitted her “Réponse de la Représentante légale de victimes à ‘Order on the classification of items admitted into evidence ICC-01/05-01/08-2921’”,³ in which she requests that the Chamber reclassify as public items CAR-V20-0001-0001, CAR-V20-0001-0018, and CAR-V20-0001-0128, the written statements of Witnesses V20-01 and V20-02;⁴ and item CAR-V20-0001-0165, a media article published in the newspaper *Le Citoyen*.⁵

¹ Order on the classification of items admitted into evidence, 11 December 2013, ICC-01/05-01/08-2921.

² ICC-01/05-01/08-2921, paragraph 4.

³ Réponse de la Représentante légale de victimes à « Order on the classification of items admitted into evidence ICC-01/05-01/08-2921 », 8 January 2014, ICC-01/05-01/08-2928-Conf.

⁴ ICC-01/05-01/08-2928-Conf, paragraph 3.

⁵ ICC-01/05-01/08-2928-Conf, paragraph 4.

3. On 10 January 2014, the defence for Mr Jean-Pierre Bemba (“defence”) filed its “Defence Submissions pursuant to the the [sic] ‘Order on the classification of items admitted into evidence’”,⁶ in which it requests that the Chamber (i) reclassify as public with no redactions items CAR-DEF-0002-0713, CAR-D04-0002-1287, CAR-D04-0002-1500, CAR-D04-0002-2004, CAR-D04-0002-1511, CAR-D04-0002-1455, CAR-D04-0002-1462, CAR-D04-0002-1382, CAR-D04-0002-1444 and CAR-DEF-0001-0107;⁷ (ii) reclassify as public item CAR-D04-0003-0503, with the limited redactions proposed in Annex A;⁸ and (iii) maintain the confidentiality of item CAR-D04-0002-1413, for the reasons specified in Annex A.

4. In accordance with Article 21(1) of the Rome Statute (“Statute”), the Chamber has considered Articles 64(2), (6)(c), (7), and (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 of the Regulations of the Court.

5. In view of the above, the Chamber hereby:
 - (a) GRANTS Me Douzima’s request to reclassify as public items CAR-V20-0001-0001, CAR-V20-0001-0018, CAR-V20-0001-0128, and CAR-V20-0001-0165;
 - (b) GRANTS the defence’s request to reclassify as public without redactions items CAR-DEF-0002-0713, CAR-D04-0002-1287, CAR-D04-0002-1500, CAR-D04-0002-2004, CAR-D04-0002-1511, CAR-D04-0002-1455, CAR-D04-0002-1462, CAR-D04-0002-1382, CAR-D04-0002-1444, and CAR-DEF-0001-0107;

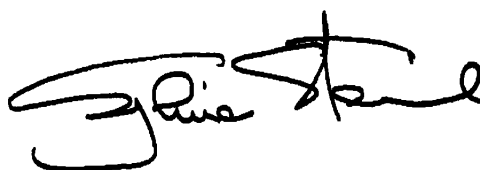
⁶ Defence Submissions pursuant to the the [sic] “Order on the classification of items admitted into evidence”, 10 January 2014, ICC-01/05-01/08-2933, with Confidential Annex A, ICC-01/05-01/08-2933-Conf-Anx.

⁷ These include items previously classified as Confidential or for which the level of confidentiality was either unclear or not previously provided.

⁸ These refer to the last five lines of the last page of the document, containing information on Witness D04-53’s family situation and contact details.

- (c) GRANTS the defence's request to reclassify as public item CAR-D04-0003-0503, with redactions limited to the last five lines of the last page of the document;
- (d) ORDERS the defence to apply the authorised redactions to item CAR-D04-0003-0503 and upload it into the eCourt system;
- (e) ORDERS the Registry to reclassify the items listed in paragraphs (a) and (b) above as public in the eCourt system; and
- (f) GRANTS the defence's request to maintain the confidentiality of item CAR-D04-0002-1413, until otherwise decided.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 24 March 2014

At The Hague, the Netherlands