

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 27 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 document  
With  
Confidential Annex A**

**Prosecution's Submission pursuant to the Order to review the confidentiality  
level of items admitted in Decision ICC-01/05-01/08-3019-Conf**

**Source:** The Office of the Prosecutor

**Document to be notified in accordance with Regulation 31 of the *Regulations of the Court*, to:**

**The Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

Mr Jean-Jacques Badibanga

**Counsel for the Defence of Jean-Pierre**

**Bemba Gombo**

Mr Peter Haynes

Ms Kate Gibson

**Legal Representatives of Victims**

Ms Marie-Edith Douzima-Lawson

**Legal Representatives of 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 Keita

**States Representatives**

**Amicus Curiae**

**REGISTRY**

---

**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section Other**

## **I. Background**

1. On 17 March 2014, Trial Chamber III (“Chamber”) issued the “Order on the classification of item admitted into evidence”<sup>1</sup> (“Order”).

## **II. Request for Confidentiality**

2. The Office of the Prosecutor (“Prosecution”) requests that the annex be received by the Chamber as “Confidential”. The Prosecution has taken notice of the fact that the attached annex refers to materials that are currently confidential and public, for some of which the Prosecution has determined that the original classification is still warranted, and they depict information for which redactions are sought.

## **III. Prosecution’s Compliance**

3. In compliance with the Chamber’s Order,<sup>2</sup> the Prosecution reviewed the level of confidentiality of all items of evidence emanating from the Prosecution which were admitted by Decision ICC-01/05-01/08-3019-Conf.

4. In reviewing these documents, the Prosecution has considered and determined (1) the correct metadata as to the level of confidentiality of the items in relation to which the information is either not clear or had not been previously provided, (2) which documents may be reclassified as “Public”, and (3) documents for which no reclassification is requested.

---

<sup>1</sup> ICC-01/05-01/08-3019-Conf, Decision on the admission into evidence of items deferred in the Chamber’s previous decisions, items related to the testimony of Witness CHM-01 and written statements of witnesses who provided testimony before the Chamber, 17 March 2014.

<sup>2</sup> See ICC-01/05-01/08-3019-Conf, para. 90(e).

5. As a result, the Prosecution submits to the Chamber, appended as Annex A, a chart of all the items, emanating from the Office, admitted into evidence pursuant to Decision ICC-01/05-01/08-3019-Conf. The chart identifies, per item originally from the Office of the Prosecutor:

- a) As a note for the Registry, the correct metadata as to the level of confidentiality of all the items;
- b) The request for the reclassification as "Public" of the documents when the need for the confidentiality level no longer exists. Five of the documents need to be redacted before reclassification; the proposed redactions can be filed with the Chamber by 5 April 2014.



---

Fatou Bensouda, Prosecutor

Dated this 27<sup>th</sup> Day of March 2014

At The Hague, The Netherlands