

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/05-01/08**  
Date: **6 September 2016**

**TRIAL CHAMBER III**

**Before:** Judge Joyce Aluoch, Presiding Judge  
Judge Geoffrey Henderson  
Judge Chang-ho Chung

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC  
IN THE CASE OF  
THE PROSECUTOR  
V. JEAN-PIERRE BEMBA GOMBO**

**Public Redacted Document  
with  
Confidential Annexes A, B1 to B7, and C1 to C7**

**Public redacted version of "Prosecution's Proposal of a Public Redacted Version of  
CAR-OTP-PPPP-0169's Testimony", 3 November 2011, ICC-01/05-01/08-1876-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**

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**Detention Section****Victims Participation and Reparations Other Section**

1. On 24 June 2010, the Office of the Prosecutor (“Prosecution”) filed an application for protective and special measures for witnesses it intended to rely upon during trial.<sup>1</sup> On 6 July 2010, the Prosecution filed a corrigendum to this application.<sup>2</sup> With regard to Witness CAR-OTP-PPPP-0169 (“Witness 169”), the Prosecution requested that his entire testimony be heard in closed session. It submitted that such protection was necessary, as the nature of Witness 169’s testimony could potentially identify him to “*Mouvement de Libération du Congo*” soldiers and supporters who are also aware of the witness’s [REDACTED].<sup>3</sup> On 15 September 2010, the Victims and Witnesses Unit (“VWU”) suggested that Witness 169 could provide testimony in closed or private session for the parts of the testimony that may lead to his identification.<sup>4</sup> In addition, the VWU recommended that Witness 169 be also afforded in-court protective measures, face and voice distortion and allocation of a pseudonym to further enhance his safety.<sup>5</sup>

2. On 29 June 2011, Trial Chamber III (“Chamber”) issued an oral decision authorizing Witness 169 to be heard entirely in closed session.<sup>6</sup> In view of Witness 169’s particular circumstances, the Chamber considered that voice and image distortion, or partial private sessions, were insufficient to negate the risk of the witness being identified by the public.<sup>7</sup> Furthermore, in order to respect the principle of publicity of the proceedings, the Chamber ordered the Prosecution, in consultation with the VWU, to prepare a public redacted version of the transcripts of the hearing in closed session.<sup>8</sup>

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<sup>1</sup> ICC-01/05-01/08-800-Conf-Exp with Conf-Exp-AnxA, Prosecution’s Request for Protective and Special Measures for Prosecution Witnesses at Trial, 24 June 2010.

<sup>2</sup> ICC-01/05-01/08-800-Conf-Exp-Corr with Conf-Exp-AnxA-Corr, Corrigendum to Prosecution’s Request for Protective and Special Measures for Prosecution Witnesses at Trial, 6 July 2010.

<sup>3</sup> ICC-01/05-01/08-800-Conf-Exp-Corr, at paras. 53-55, with Conf-Exp-AnxA-Corr, pp.22-24.

<sup>4</sup> ICC-01/05-01/08-884-Conf-Exp, Victims and Witnesses Unit’s observations on the Corrigendum to Prosecution’s Request for Protective and Special Measures for Prosecution Witnesses at Trial, 15 September 2010, para. 16

<sup>5</sup> *Ibid.*, para. 18.

<sup>6</sup> ICC-01/05-01/08-T-134-CONF-ENG ET, 29 June 2011, p. 26, line 5 to p. 28, line 2.

<sup>7</sup> *Ibid.*, p. 27, lines 20-21.

<sup>8</sup> ICC-01/05-01/08-T-136-CONF-ENG ET, p. 17, lines 9-20.

3. Pursuant to the Chamber's order, the Prosecution consulted with the VWU and prepared a redacted version of the witness's testimony. The proposed redactions are highlighted in yellow in Annexes B1 to B7 and C1 to C7 appended to this filing. The Prosecution hereby submits the redacted transcripts for review and authorization to be released to the public.

**Request for confidentiality**

4. The Prosecution requests that this submission including its annexes be received by the Chamber as "Confidential" as they relate to confidential information that is not known to the public.



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**Fatou Bensouda, Prosecutor**

Dated this 6<sup>th</sup> Day of September 2016  
At The Hague, The Netherlands