



Original: **English**

No.: ICC-01/05-01/08
Date: **22 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
With
Public Redacted Annexes A and B**

**Public redacted version of "Prosecution's Application for Redactions to the Expert Report admitted into Evidence for Sentencing", 2 August 2016,
ICC-01/05-01/08-3417-Conf**

Source: Office of the Prosecutor

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

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I. Introduction

1. The Office of the Prosecutor (“Prosecution”) seeks authorisation to redact limited information in the expert report, provided by Prosecution Witness CAR-OTP-PPPP-0925 (“P925”) during the sentencing proceedings,¹ and its corresponding translation,² in order to protect [REDACTED].

2. The Prosecution submits this application along with Annex A, containing highlights that identify each proposed redaction in the original expert report, and Annex B, containing the same proposals in the French translation of P925’s expert report.

II. Procedural Background

3. On 28 March 2011, Trial Chamber III (“Chamber”) issued an oral decision on protective measures for [REDACTED].³ Specifically, in light of the Prosecution’s submission that, had [REDACTED], the Chamber ordered that [REDACTED]’s entire testimony be heard in closed session and the Prosecution prepare proposed redacted versions of the transcripts related to [REDACTED]’s testimony.

4. In line with that oral decision, the Chamber subsequently authorised redactions in relation to other court documents as a protective measure for [REDACTED].⁴

5. On 21 March 2016, Jean-Pierre Bemba Gombo was convicted pursuant to article 28 of the Rome Statute (“Statute”) of murder as a crime against humanity and as a war crime, of rape as a crime against humanity and as a war crime, and of pillaging as a war crime.⁵

¹ CAR-OTP-0094-0493/ EVD-T-OTP-00861, Mental Health Outcomes of Rape, Mass Rape and other Forms of Sexual Violence.

² CAR-OTP-0094-0581.

³ ICC-01/05-01/08-T-90-CONF-ENG, page 57, line 23 to page 58, line 3, and page 59, lines 17 to 22.

⁴ ICC-01/05-01/08-3315-Conf, Order on redactions, 15 January 2016, paras. 2, 3, and 6.

⁵ ICC-01/05-01/08-3343

6. On 21 June 2016, the Chamber rendered its decision pursuant to article 76 of the Statute whereby it sentenced Jean-Pierre Bemba Gombo to 18 years imprisonment.⁶

III. Submissions

7. The obligation to protect [REDACTED], and to apply redactions to that end, now arises in relation to P925's expert report.⁷ That report falls outside the scope of a previous Chamber's decision on the classification of items admitted into evidence, including the reports of other Prosecution's expert witnesses that testified at trial.⁸ The Prosecution is, therefore, seeking judicial authorisation to apply redactions to P925's expert report.

8. Pursuant to regulation 42 of the Regulations of the Court, the Prosecution herewith submits this application to the Appeals Chamber, now seized of the proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, in which the protective measure is being requested.

9. This application for authorisation of public redacted versions of the above-mentioned expert report and its translation is filed pursuant to articles 54(3)(f) and 68 of the Statute and rule 81(4) of the Rules of Procedure and Evidence, and is made to ensure the safety of witnesses, their family members and third persons that may be at risk on account of the Court's activities.⁹

⁶ ICC-01/05-01/08-3399

⁷ Additionally, one proposed redaction aims at withholding information related to Prosecution Witness CAR-OTP-WWWW-0119.

⁸ ICC-01/05-01/08-3072


⁹ ICC-01/04-01/07-475 OA, Judgment on Prosecution's Appeal against the First Redaction Decision, 13 May 2008, para. 43: In addition to rule 81(4), "other provisions of the Statute and the Rules that are aimed at ensuring that persons are not put at risk through the activities of the Court and which are not limited to the protection of witnesses and victims and members of their families only", including articles 43(6), 54(3)(f) and 68(4), and rules 16-18, 59(2) and 87(1).

IV. Request for Confidentiality

10. Annex A contains highlights that identify each proposed redaction in the original expert report, while Annex B mirrors the same proposals in the French translation of the same report. The Prosecution requests that this application and the afore-mentioned annexes be received by the Appeals Chamber as “Confidential”, as they contain information that is known to the Parties and participants but should not be released to the Public.

V. Relief Sought

11. The Prosecution respectfully requests the Appeals Chamber to authorise the redactions, as requested in Annexes A and B.



Fatou Bensouda, Prosecutor

Dated this 22nd Day of September 2016

At The Hague, The Netherlands