

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 January 2009

PRE-TRIAL CHAMBER III

Before: Judge Ekaterina Trendafilova, Single Judge

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

Confidential

URGENT

Order to Respect Confidentiality

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

The Office of the Prosecutor

Fatou Bensouda, Deputy Prosecutor
Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Nkwebe Liriss
Karim A.A. Khan
Aimé Kilolo-Musamba
Pierre Legros

Legal Representatives of the Victims

Marie Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Ekaterina Trendafilova, acting as Single Judge on behalf of Pre-Trial Chamber III (the “Chamber”) of the International Criminal Court (the “Court”),¹ received an “Information sur le changement du Niveau de Confidentialité des Éléments de preuve de la Défense”² in which the Defence declared that all its evidence – 65 in total - disclosed to the Prosecutor and filed in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* (the “Case”) are now public.

1. On 31 August and 6 November 2008 the Chamber issued decisions on redactions in which the Defence and Mr Jean-Pierre Bemba Gombo (“Mr Jean-Pierre Bemba”) were constantly ordered to keep the disclosed information concerning the identity and identifying information of witnesses confidential and to ensure that it was not passed on to the public.³

2. On 15 December 2008 Judge Hans-Peter Kaul, acting as Single Judge on behalf of the Chamber on victims’ issues, issued the “Fourth Decision on Victims’ Participation”, in which he ordered the Prosecutor, the Defence and the legal representatives for victims, recognized as participants in the Case, to keep information shared confidential and to ensure that it was not passed on to the public.⁴

3. The Single Judge notes articles 61, 67, 68 of the Rome Statute (the “Statute”), rules 87 and 121(6) of the Rules of Procedure and Evidence (the “Rules”) and article 8 of the Code of Professional Conduct for counsel (the “Code of Conduct”).

¹ “Decision Designating a Single Judge”, ICC-01/05-01/08-293.

² ICC-01/05-01/08-352.

³ “First decision on the Prosecutor’s requests for redactions”, ICC-01/05-01/08-85-Conf and “Third Decision on the Prosecutor’s Requests for Redactions and Related Request for the Regulation of Contacts of Jean-Pierre Bemba Gombo”, ICC-01/05-01/08-215-Conf.

⁴ ICC-01/05-01/08-320, letters i) and j) of the operative part.

4. The Single Judge emphasises that, when presenting their evidence and arguments at the confirmation of charges hearing (the “Hearing”), if parties or participants need to refer to the identity of certain persons and if these persons happen to be either witnesses or victims in the present proceedings, they should avoid at any time to reveal their status as witnesses or victims.

5. The Single Judge underlines that in case the parties or participants cannot avoid mentioning the status of witness or victim of the Case at the Hearing, they should request in advance a closed session in order not to breach any Chamber’s order with regard to confidentiality.

FOR THESE REASONS, THE SINGLE JUDGE

a) orders the parties or participants when referring to the identity of certain persons and if they happen to be either witnesses or victims in the present proceedings, to avoid at any time revealing their status as witnesses or victims and ensure that this information is not passed on to the public, especially at the Hearing scheduled to start on 12 January 2009.

b) orders the parties or participants, in case the procedure described in letter a) cannot be strictly followed, to request the Chamber to hold a closed session.

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



Judge Ekaterina Tsendafilova
Single Judge

Dated this Friday, 9 January 2008

At The Hague, The Netherlands.