

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 26 February 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 Annexes A to D**

**Prosecution's Request for Reclassification of 15 admitted Documents as Public and
for Application of Redactions**

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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Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

I. Background

1. On 14 February 2014, Trial Chamber III (“Chamber”) issued its “Order on the classification of items admitted into evidence” (“14 February Decision”).¹ The Chamber referred to 16 items of evidence admitted in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* and ordered, the Office of the Prosecutor (“Prosecution”) to *inter alia*, “review the level of confidentiality of all items admitted by this decision”,² and “to request that the Chamber reclassify as public, with or without redactions, [admitted evidentiary] items in relation to which the reasons for maintaining their confidentiality no longer exist...”³

II. Request for Confidentiality

2. The Prosecution requests that annexes A-D be received by the Chamber as confidential as they refer to materials that are currently confidential, and contain information for which redactions are sought.

III. Prosecution’s request and appended annexes

3. In compliance with the 14 February Decision, the Prosecution, after reviewing the level of confidentiality, herewith requests that 15 admitted documents be reclassified or maintained as public and submits three documents with proposed redactions highlighted in yellow color, to enable their reclassification. However, the confidentiality of one document should be maintained. This document is the report analysing the sim cards and memory cards obtained from the Accused’s mobile phones.⁴ Most of the

¹ICC-01/05-01/08-2974-Conf, Order on the classification of items admitted into evidence, 14 February 2014.

² *Ibid.*, at para. 72 (vii).

³ *Ibid.*, at para. 72 (vii) (b).

⁴ CAR-OTP-0047-1660.

information contained in this report refers to names and telephone numbers of the people the Accused communicated with. Redactions would make the document incomprehensible.

4. Appended to this request is Annex A, which lists the 16 admitted documents. The Prosecution requests that 15 admitted documents be reclassified or maintained as public while one be maintained as confidential: Seven documents are classified as confidential and the Prosecution requests the Chamber to reclassify as public, three of the said documents with redactions⁵ and three without redactions.⁶ However, confidentiality should be maintained in respect of one document.⁷ Four documents are classified as public.⁸ The Prosecution requests that their current level of classification be maintained. In addition, the confidentiality level of five documents is not mentioned.⁹ The Prosecution requests that these documents be reclassified as public.

5. Annex B is a letter regarding MLC's unpaid Thuraya telephone bills.¹⁰ Annexes C and D are statements of witness CAR-D04-PPPP-0018.¹¹ The Prosecution has applied yellow highlights in respect of the information it seeks to be redacted in these documents.

⁵ CAR-OTP-0048-0377, CAR-OTP-0054-0005 and CAR-OTP-0054-0019.

⁶ CAR-OTP-0013-0106, CAR-OTP-0045-0002 and CAR-OTP-0045-0228.

⁷ CAR-OTP-0047-1660.

⁸ CAR-OTP-0070-0009, CAR-OTP-0069-0369, CAR-OTP-0073-0768 and CAR-OTP-0073-0850.

⁹ CAR-OTP-0070-0051, CAR-OTP-0069-0531, CAR-OTP-0069-0551, CAR-OTP-0069-0574 and CAR-OTP-0073-0674.

¹⁰ CAR-OTP-0048-0377.

¹¹ CAR-OTP-0054-0005 and CAR-OTP-0054-0019.

IV. Relief Sought

6. For the foregoing reasons, the Prosecution respectfully requests that the Chamber authorise the redactions proposed to the three admitted documents, reclassify the 15 admitted documents as public and maintain the confidentiality of one document.

A handwritten signature in blue ink, appearing to read 'Fatou Bensouda', is written over a horizontal line.

Fatou Bensouda, Prosecutor

Dated this 26th Day of February 2014

At The Hague, The Netherlands