

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 15 July 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

**Public redacted version of “Prosecution’s Report to the Trial Chamber III on the
current security situations of Witnesses 169 and 178”, 15 August 2011,
ICC-01/05-01/08-1623-Conf-Exp**

Source: The 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") has received information about [REDACTED] to Witness CAR-OTP-PPPP-0178 ("Witness 178") and Witness CAR-OTP-PPPP-0169 ("Witness 169"). The Prosecution submits this report on these [REDACTED] in accordance with the Single Judge's order of 14 August 2009 to continuously assess the risk to the safety and well-being of the witnesses.

II. Request for confidentiality

2. The Prosecution requests that this submission be received by the Trial Chamber III ("Chamber") as "Confidential, *Ex Parte*, Prosecution and Victims and Witnesses Unit only" as it contains information that should not be disclosed to the Defence.

III. Prosecution's submissions

Information regarding the security situation of Witnesses 169 and 178

a) Witness 169

3. Witness 169 testified in closed session from 1 to 11 July 2011. On 13 July 2011, he returned to [REDACTED]. However, on 29 July 2011, Witness 169 reported to the Prosecution that after his return to [REDACTED], the following events occurred:

i) [REDACTED].

ii) [REDACTED].

iii) [REDACTED].

iv) [REDACTED].

v) [REDACTED].

vi) On 17 July 2011, Witness 169 returned to his home. [REDACTED].

vii) [REDACTED].

viii) [REDACTED].

ix) [REDACTED].

4. [REDACTED] seized from the Accused upon his arrest includes reference to [REDACTED].

5. [REDACTED].

b) Witness 178

6. As the Prosecution previously reported to the Chamber, Witness 178, a [REDACTED]. During the screening on 7 July 2009, Witness 178 appeared to be on his guard, immediately asking who gave his phone number to the Prosecution, and explaining that since [REDACTED]. Witness 178 informed the investigators that he

[REDACTED] in case, he explained, something would happen to him. He further stated that his anxiety derived from the fact "[REDACTED]".¹

7. [REDACTED].²

8. [REDACTED]. In order to preserve witness confidentiality, the Prosecution [REDACTED].³ [REDACTED], the Prosecution reported to the Chamber that it is monitoring the situation of the witness.⁴

9. [REDACTED], it became apparent to the Prosecution that [REDACTED].

IV. Prosecution's course of action in relation to Witnesses 169 and 178

10. In parallel with [REDACTED], the Prosecution has already sent a request for information to the [REDACTED] on the incidents related to Witnesses 169 and 178. Furthermore, the Prosecution is sending its representatives to the [REDACTED] as soon as possible to [REDACTED]. [REDACTED], the Prosecution would be requesting for the [REDACTED]:

- i) [REDACTED];
- ii) [REDACTED];
- iii) [REDACTED];
- iv) [REDACTED].

¹ ICC-01/05-01/08-537-Conf-Exp, Prosecutor's Report to the Trial Chamber on the current security situation of Intermediary 166 and Witnesses 37, 45, 119 and 178, 23 September 2009, at para 36.

² ICC-01/05-01/08-537-Conf-Exp, at para 37.

³ ICC-01/05-01/08-537-Conf-Exp, at para 38.

⁴ ICC-01/05-01/08-537-Conf-Exp, at para 41.

11. The Prosecution has obtained the relevant [REDACTED] from Witnesses 169 and 178 in order to [REDACTED].

12. Regarding Witness 178, the Prosecution proposed to [REDACTED]. The Prosecution further proposed that if he has concerns about [REDACTED], the Prosecution in conjunction with [REDACTED] could consider [REDACTED], will inform the Prosecution about its findings and any necessary actions once it finalizes its investigations into the [REDACTED] reported by Witness 178.

13. To determine the veracity of reported incidents and avoid duplication of efforts, [REDACTED].



Fatou Bensouda, Prosecutor

Dated this 15th Day of July 2016

At The Hague, The Netherlands