



THE DISCIPLINARY BOARD OF THE INTERNATIONAL CRIMINAL COURT

Original: French

Reference: DO/2012/012/DB/REDRESS

Date: 20 July 2012

Before:

Ms Aïcha CONDE, president

Ms Marie Pierre POULAIN, permanent member

Mr Mbuy-Mbiye Tanayi, ad hoc member

**IN THE MATTER OF
APPLICATION FOR PROTECTIVE MEASURES FILED BY REDRESS TRUST
Document No. ICC-01/04-01/06 of 6 July 2012**

Public Redacted Version

Decision of the Disciplinary Board

Background

On 6 July 2012, Ms Carla Ferstman, director of Redress, filed an urgent application for protective measures to Trial Chamber I.

In its application, Redress stated that on 18 June 2012, the Disciplinary Board for counsel practising before the International Criminal Court rendered a decision finding that Mr Joseph Keta had breached his professional confidentiality obligations and ordered that he should be suspended from his duties for a period of three months.

In its decision, the Disciplinary Board mentioned the names of Gaëlle Carayon, Ms Carla Ferstman, and the [REDACTED] which is based in the [REDACTED]

The decision of the Disciplinary Board refers extensively to the assistance, which had remained confidential information up until then, that they provided to Mr Keta.

At paragraph 28 of a decision dated 6 May 2008, the Chamber authorised the redaction of the name and contact details of the intermediary assisting the victims for the purposes of filing an application. Accordingly, the names of Redress, as well members of its personnel and its local partners are not part of the public documents in the case.

The Chamber further stated that it had been informed that the initial complaint filed by the Trial Chamber which led to the disciplinary procedure risked being made public, as did other related documents which also mention these persons and organisations.

In its application, Redress relies on the Chamber's role as guarantor of the proceedings and the responsibility it bears to ensure that victims, witnesses and other persons assisting them are not endangered.

On 9 July 2012, the Trial Chamber transmitted the said application to the Disciplinary Board, which alone is vested with the sole authority to rule on the level of confidentiality of its decisions.

Discussion

Redress requests that the names Gaëlle Carayon and Carla Ferstman, which are mentioned in the decision of Disciplinary Board of 18 June 2012, be redacted, and relies on a decision rendered on 6 May 2008 by Trial Chamber I (ICC-01/04-01/06-1308).

It can be seen at paragraph 28 of that decision that the Chamber provides a restrictive list of materials which require confidentiality. At point 11 of this list appears the name and contact details of intermediaries who assist victims to complete their application forms.

However, in the 12 June 2012 decision, Ms Gaëlle Carayon is mentioned not as an intermediary assisting victims in completing their forms, but as case manager for Mr Keta.

As for Ms Ferstman, she is mentioned as the superior of Ms Carayon who, in this capacity, was aware that it was impossible for her staff member to obey the summons of the Disciplinary Board on account of her professional obligations.

Accordingly, Ms Ferstman and Ms Carayon do not meet the conditions set forth at paragraph 28 of the 8 May 2008 decision which would entitle them to a redaction of their names.

Furthermore, the information contained in the Disciplinary Board's decision of 18 June 2012 can also be found in the Trial Chamber's decision of 29 March 2012, which has been a public document since 29 June 2012. Accordingly, there is no further reason to entertain the request.

The Board notes that it did not receive any application from the [REDACTED] or [REDACTED] seeking redaction of their names.

FOR THESE REASONS

The application by REDRESS is denied.

[signed]
Ms Aïcha Condé

Ms Marie Pierre Poulain

[signed]
Mr Tanayi Mbuy-Mbiye