

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **30 June 2008**

PRE-TRIAL CHAMBER III

Before: Judge Fatoumata Dembele Diarra (Presiding Judge)
Judge Hans-Peter Kaul
Judge Ekaterina Trendafilova

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

Under Seal

Ex Parte, Prosecutor Only

**The Prosecution's submission regarding Article 54(3)(e) of the Rome Statute
Requested by the Pre-Trial Chamber III in the Decision convening a status
conference dated 17 June 2008**

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

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

**Registrar
Ms Silvana Arbia**

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. In subsection (b) of the Decision regarding the Status Conference filed on 17 June 2008, the Pre-Trial Chamber III decided:

“b) to request the Prosecutor to provide a report to the Chamber within a period of 15 days on the number of documents received under condition of confidentiality under article 54(3)(e) of the Statute and on their status with regarding to the possibility of waiving such a condition”.

The Prosecutor hereby submits a written report as requested by Pre-Trial Chamber III¹.

Documents received under confidentiality provisions in the Central African Republic collection

2. The Office of the Prosecutor has identified five documents (1 report and its 4 annexes) in the CAR (hereinafter referred to as “CAR”) collection where conditions of Article 54(3)(e) of the Rome Statute (hereinafter referred to as “the Statute”) would apply. These documents were obtained during the preliminary examination stage. However, the information provider requested that these documents be received pursuant to the confidentiality provisions set forth in Article 54(3)(e) of the Statute, in the event that an investigation be initiated in the CAR situation. It appears that these documents may contain information of evidentiary value. The report, along with related annexes, may contain potentially exculpatory material. The Prosecutor has therefore sent a letter to the information provider requesting for the lifting of the restrictions.

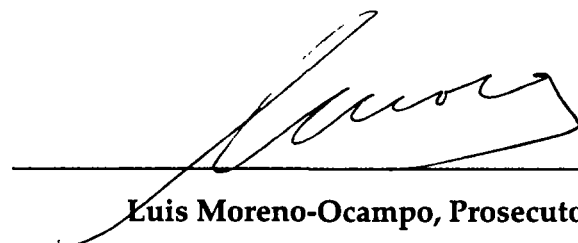
¹ A draft French translation of this filing is attached as Annex 1. This translation is provided as an aid to the Chamber and is not meant to be official or authoritative.

Documents received in other collections

3. The Prosecution also informs the Chamber that a search is being conducted in collections related to the DRC investigation in order to ensure that no document has been overlooked that could be relevant in the context of the CAR case.

Documents received from the CAR Government

4. The Prosecution takes this opportunity to inform the Chamber that the CAR Government provided approximately 1200 documents along with the referral. These documents were not received by the Prosecutor with any confidentiality provisions. Accordingly, there are no Article 54(3)(e) restrictions attached to these documents. However, a certain number of those documents may have been collected by the CAR Government from third parties or could affect third parties' interests. The Prosecution will therefore consult with the CAR Government in addition to other third parties to ascertain whether there are protective measures necessary.



Luis Moreno-Ocampo, Prosecutor

Dated this 30th day of June 2008

At The Hague, The Netherlands