

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 3 October 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**

**Confidential
Prosecution and Defence only**

**Prosecution's Communication of disclosure of incriminating evidence pursuant to
the Second Decision on the Prosecutor's requests for redactions dated 1 October
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 of Jean-Pierre Bemba

Nkwebe Liriss

Tjarda E. Van der Spoel

Aimé Kilolo-Musamba

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

I. Procedural History

1. On 26 September 2008, the Prosecutor filed the "Prosecutor's Submission of Additional Information Demonstrating the Existence of an Objectively Identifiable Risk".¹
2. On 1 October 2008, the Pre-trial Chamber III delivered the "Second Decision on the Prosecutor's request for redactions (hereinafter "Second Decision").
3. The Pre-Trial Chamber III determined that the Prosecutor shall, no later than Friday 3 October 2008 at 16h00:
 - (i) make available to the Defence for Jean-Pierre Bemba Gombo the abovementioned statements and related documents concerning Witnesses 0006, 0007, 0009, 0015, 0022, 0023, 0025, 0026, 0029, 0031, 0036 and 0037 with the redactions as granted in the Annex to the Second Decision;
 - (ii) file in the record of the case of The Prosecutor v. Jean-Pierre Bemba Gombo, the statements and related documents concerning Witnesses 0006, 0007, 0009, 0015, 0022, 0023, 0025, 0026, 0029, 0031, 0036 and 0037 in conformity with the Chamber's Decision of 31 July 2008².
 - (iii) file summaries of statements of witnesses 0033 and 0038 and make them available to the Defence for Jean-Pierre Bemba Gombo.

¹ ICC-01/05-01/08-122-US-Exp.

² ICC-01/05-01/08-55-Conf

4. In compliance with the Second Decision, the Office of the Prosecutor provides the defence, the witnesses' statements with authorized redactions as follows: redactions granted pursuant to Rule 81(4) appear in black and redactions pursuant to Rule 81(2) appear in white, and two witness summaries on 3 October 2008.

II. Request for Confidentiality

Annex A appended to this communication contains the "List of Disclosed Witness Statements and Summaries" provided to the Defence. The Prosecution requests that this filing and attached annex be received by the Chamber as confidential because the Decision to which it responds was filed confidentially.



Luis Moreno-Ocampo, Prosecutor

Dated this 3 day of October 2008

At The Hague, The Netherlands