

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No: ICC-01/05-01/08
Date: 14 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

Ex Parte, Prosecutor Only

**Prosecution's Third Report on the Status of Documents Received under
Article 54(3)(e) of the Rome Statute**

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
Silvana Arbia**

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Background

1. On 30 June 2008, the Prosecution submitted its report on the number and status of documents received under Article 54(3)(e) of the Rome Statute (the "Statute") pursuant to a decision issued by Pre-Trial Chamber III (the "Chamber") on 17 June 2008 ("First Report").¹
2. On 22 September 2008, the Prosecution filed its Second Report on documents affected by Article 54(3)(e) of the Statute in response to the Single Judge's request contained in a Decision issued on 10 September 2008 ("Second Report").²
3. Pursuant to its undertaking at the status conference held on 8 October 2008, the Prosecution hereby submits its Third Report on the status of documents affected by Article 54(3)(e) of the Statute.³

Request for *ex parte* classification

4. The Prosecution requests that this filing be received *ex parte*, *Prosecutor only* on the basis that this document responds to an issue that was raised and discussed at an *ex-parte*, *Prosecutor only* hearing. The Prosecution further submits that this treatment is consistent with previous Article 54(3)(e) reports that have been filed with the Chamber.

Current status of five documents mentioned in the Prosecution's 30 June 2008 filing

5. As indicated in its First and Second Reports, a request for the lifting of confidentiality restrictions has been sent to the provider of the above-

¹ ICC-01/05-01/08-31-US-Exp.

² ICC-01/05-01/08-113-Conf-Exp.

³ ICC-01/05-01/08-T-6-CONF-EXP-ENG ET, p. 40, lines 5-22.

mentioned five documents (1 report and its four annexes).⁴ The Prosecution has met with the information provider and expects a resolution of this issue.

Number and status of other documents identified as having evidentiary value and Potentially Exonerating ("PEXO") in nature received since 17 June 2008

6. Since the 17 June 2008, the Prosecution has not received any other documents pursuant to Article 54(3)(e) in the case of the *Prosecutor v. Jean-Pierre BEMBA GOMBO*.

Number and status of other relevant Article 54(3)(e) documents in the DRC collection

7. In its search and review of relevant documents in the DRC collection, the Prosecution has identified four Article 54(3)(e) documents that have potentially exonerating and Rule 77 evidentiary value. The Prosecution has requested lifting of confidentiality restrictions from the information provider.



Luis Moreno-Ocampo, Prosecutor

Dated this 14th day of October 2008

At The Hague, The Netherlands

⁴ ICC-01/05-01/08-31-US-Exp 30-06-2008, para. 2; ICC-01/05-01/08-113-Conf-Exp 22-09-2008, para. 6