

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 5 November 2008

PRE-TRIAL CHAMBER III

Before: Judge Ekaterina Trendafilova (Presiding Judge)
Judge Hans-Peter Kaul
Judge Mauro Politi

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

Confidential

Notification to the Defence of the Prosecution's Submission of Additional Information

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

Mr. Nkebe Liriss

Mr. Tjarda Eduard Van Der Spoel

Mr. Aime 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 Other Section

Procedural History

1. On 13 October 2006, the Appeals Chamber delivered its Judgment on the Office of the Prosecutor's appeal against the decision of Pre-Trial Chamber I entitled « Decision Establishing Principles Governing Applications to Restrict Disclosure pursuant to Rule 81(2) and (4) of the Rules of Procedure and Evidence ».¹

2. The Appeals Chamber determined that whenever an application pursuant to Rule 81(2) and 81(4) of the Rules of Procedure and evidence is filed *ex parte*, the other participant must in principle be made aware of an *inter partes* filing of the fact that such an application was filed as well of its legal basis.²

3. On 17 October 2008, the Office of the Prosecutor (hereinafter referred to as the « Prosecution ») filed its « Notification to the Defence of the Prosecution's Application for Proposed Redactions Pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence (hereinafter referred to as the « 17 October 2008 Notification »).³ In that filing, the Prosecution notified the Defence that it filed the « Prosecution's Application for Proposed Redactions Pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence » with attached Annexes under seal, *ex parte* on 15 October 2008.

Request for Confidentiality

4. The Prosecution requests that this document be received as "Confidential" as it refers to and relates to material that is confidential.

Notification

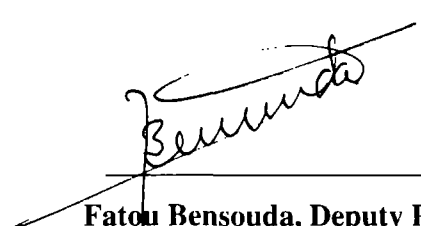
5. In compliance with the requirements of the Appeals Chamber ruling noted above, the Prosecution respectfully notifies the Defence of the following :

¹ ICC-01/04-01/06-568.

² ICC-01/04-01/06-568, paragraphs 65 and 67.

³ ICC-01/05-01/08-165-Conf.

- (a) Inadvertently the 17 October 2008 Notification indicated that the main filing had been filed on 15 October 2008. Instead, it was filed on 17 October 2008⁴ ; and
- (b) Related to the 17 October 2008 application and a similar application made on 30 September 2008⁵, the Prosecution wishes to respectfully submit to the Defence Notification it filed two separate under seal, *ex parte* filings entitled the « Prosecutor's Submission of Additional Information » and the « Prosecutor's Submission of Additional Information Pursuant to the « Decision on the Security Situation of Witnesses » » on 5 November 2008..



**Fatou Bensouda, Deputy Prosecutor
On Behalf Of
Luis Moreno-Ocampo, Prosecutor**

Dated this 5th day of November
At The Hague, The Netherlands

⁴ ICC-01/05-01/08-165-Conf.

⁵ ICC-01/05-01/08-126-US-Exp with notification to the defence through ICC-01/05-01/08-127-Conf.