

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 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***

Public

**Prosecution's Submission of Information Pursuant To the Pre-Trial Chamber's 12
November 2008 Order**

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 Nkwebe Liriss

Mr 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 Other Section

Prosecution's Submissions

1. On 12 November 2008 the Pre-Trial Chamber III (hereinafter referred to as the "PTC III") rendered its "Decision Regarding the Disclosure of Materials Pursuant to Article 67(2) of the Rome Statute and Rule 77 of the Rules of Procedure and Evidence (hereinafter referred to as "the Rules"),¹ whereby the PTC III, *inter alia*, noted that the Office of the Prosecutor (hereinafter referred to as the "Prosecution") has to disclose all exculpatory materials on an ongoing basis and as soon as practicable. The PTC III also ordered the Prosecution to inform the Chamber and the Defence, by Monday 17 November 2008, whether its ongoing search for potentially exculpatory materials, which could fall under Article 67(2) of the Rome Statute (hereinafter referred to as the "Statute") encompasses the documents that it obtained during the investigations conducted with regard to the situation in the Democratic Republic of Congo (hereinafter referred to as "DRC documents").

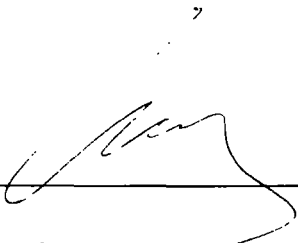
2. The Prosecution hereby informs the PTC III and the Defence that it has undertaken a thorough search and review of the DRC documents in its possession and control, in order to identify evidentiary materials of exculpatory nature and material for the preparation of the defence, relevant to the instant case.² At this stage, further to such search and review of the DRC documents, the Prosecution has disclosed ten pieces of evidence identified as falling under Article 67(2) of the Statute and six pursuant to Rule 77 of the Rules.

¹ ICC-01/05-01/08-241

² The Prosecution hereby refers to its reports ICC-01/05-01/08-31-Conf filed on 30 June 2008, ICC-01/05-01/08-113-Conf filed on 22 September 2008, ICC-01/05-01/08-157-Conf filed on 14 October 2008, ICC-01/05-01/08-239-Conf filed on 12 November 2008, in which the Prosecution referred to its review of the DRC collection for the purpose of Art. 67(2) and Rule 77 disclosure, while addressing the issue of documents received under confidentiality conditions and disclosed further to the lifting of restrictions.

Conclusion

3. As the disclosure of evidence pursuant to Article 67(2) of the Statute and/or Rule 77 of the Rules is an ongoing obligation in order to ensure fairness of the proceedings for the suspect, the Prosecution submits that it has reviewed the materials in its possession, including the DRC documents, searching for evidence of exculpatory nature and material for preparation of the Defence. The Prosecution further submits that in the present case, it has disclosed the totality of exculpatory evidence and evidence material to the preparation of the Defence for the purpose of the confirmation hearing.



Luis Moreno-Ocampo, Prosecutor

Dated this 17th day of November 2008

At The Hague, The Netherlands