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No.: **ICC-01/05-01/08**
Date: **24 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 document
With
Annex A – Confidential, *Ex Parte*, Prosecution only
Annex B – Confidential, Prosecution and Defence only
Annexes C and D – Public

Prosecution's Submission of an Updated, Consolidated Version of the In-depth Analysis Chart of Incriminatory Evidence

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 Karim Khan 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 Section	**Other**

1. In compliance with the request of the Pre-Trial Chamber III (the "Chamber") contained in the 10 November 2008 "Decision on the Submission of an Updated, Consolidated Version of the In-depth Analysis Chart of Incriminatory Evidence",[1] the Office of the Prosecutor (the "Prosecution") herewith submits as Annexes A and B to this communication, the updated and consolidated versions of the in-depth analysis chart of incriminatory evidence disclosed by the Prosecution, including evidence contained by the Prosecution in its Amended List of Evidence.[2] Annex A is the unredacted version of the in-depth analysis chart, whereas Annex B is a version redacted in compliance with the redactions granted by the Chamber.[3]

2. The Prosecution has analyzed incriminatory evidence by linking the facts to the constituent elements of the crimes with which the suspect is charged, including the contextual elements of those crimes, and to the constituent elements of the mode of liability with which the suspect is charged. In an effort to comply with the Court's cautionary instruction that each fact must be linked to each element to which it applies, the Prosecution has, where appropriate, linked a fact to several issues in an effort to be precise. Therefore, in many cases, a specific fact applies to more than one element referred to in the in-depth analysis chart and is reflected in each separate section.

3. The Prosecution also submits as Annex C a clean sample of the chart that has been used to perform the in-depth analysis.

4. The chart lists the constituent elements of the crimes and the mode of liability with which the suspect has been charged. From the left of the chart, a column titled "Fact text" contains the relevant portions of the items of evidence, which have been

[1] ICC-01/05-01/08-232
[2] This includes evidence reflected in ICC-01/05-01/08-225-US-Exp-Anx1A; ICC-01/05-01/08-225-US-Exp-Anx1B; ICC-01/05-01/08-225-Conf-Anx2A; ICC-01/05-01/08-225-Conf-Anx2B.
[3] ICC-01/05-01/08-135; ICC-01/05-01/08-215

related to one or more of the constituent elements. Two more columns titled "Source (start ERN)" and "Source (at ERN)" respectively contain the initial evidence reference number of any item of evidence referred to in the chart, and the specific evidence reference number of the page where the quoted portion of the evidence is located. The two columns in question can assist the reader in identifying the exact page reference for the document in question. The Prosecution also submits as Annex D, a separate document, in which the EVD (evidence number) and the corresponding ERN (evidence reference number) for each piece of evidence are listed.

5. The Prosecution also submits that the in-depth analysis chart clarifies, or provides additional details on the Prosecution's incriminatory evidence.

6. The Prosecution further submits that pursuant to Article 61 (3) and (5) of the Rome Statute (the "Statute") and Rule 121 (3) of the Rules of Procedure and Evidence (the "Rules"), it intends to rely upon both the Document Containing the Charges and the Amended List of Evidence and the In-Depth Analysis Chart requested by the Chamber.

Request for Receipt of Annex A as *Ex parte*, Prosecution only and Annex B as Confidential, Prosecution and Defence only

7. The Prosecution requests that Annex A depicting the analysis of incriminating evidence appended to this document be received by the Chamber as "*Ex Parte* - Prosecution Only" as this annex contains identifying information of witnesses, including those for whom the Chamber has granted redactions and such protective measures are still applicable. The Prosecution also requests that Annex B, which is the redacted version of the same chart, be received by the Chamber as "Confidential - Prosecution and Defence Only" as these documents contain identifying information

of witnesses who are known to the Defence, but not to the public. These requests are made to protect victims and witnesses pursuant to Article 68(1) of the Statute, Rule 81(4) of the Rules and in compliance with the Chamber's "Second Decision on the Prosecutor's Requests for Redactions"[4] and "Third Decision on the Prosecutor's Requests for Redactions and Related Request for the Regulation of Contacts of Jean-Pierre Bemba Gombo".[5]

Luis Moreno-Ocampo, Prosecutor

Dated this 24th day of November 2008

At The Hague, The Netherlands

[4] ICC-01/05-01/08-135
[5] ICC-01/05-01/08-215