

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **12 October 2009**

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elisabeth Odio-Benito
Judge Joyce Aluoch

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

Public with Confidential Annex A

Prosecution's Communication of documents disclosed to the Defence on 9 October 2009 pursuant to Paragraph 12 (c) of the Defence "*Requête aux fins de Divulcation*" dated 5 October 2009 and request for non-disclosure 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

1. On 5 October 2009,¹ the Defence requested that the Office of the Prosecutor (“Prosecution”) disclose all documents obtained from national authorities, relating to criminal proceedings in the Central African Republic (“CAR”). The Defence justified its request on the basis that the documents in question would assist its consideration of a possible admissibility challenge. The Prosecution recalls that at the pre-confirmation stage, it reviewed and disclosed to the Defence all documents obtained from the CAR authorities, which were relevant to the Defence’s preparation either under Article 67(2) of the Rome Statute (“Statute”) or Rule 77 of the Rules of Procedure and Evidence (“Rules”). The remaining documents from CAR national authorities, not disclosed, were incriminating in nature.

2. The Prosecution has re-classified the remaining documents from the CAR national authorities and has accordingly disclosed them to the Defence under Rule 77 of the Rules, given the Defence’s request that such documents may impact on its consideration of a possible admissibility challenge. The Prosecution appends as Annex A to this submission, a list of the materials from the CAR national authorities disclosed to the Defence on 12 October 2009.²

3. Pursuant to Rule 87(3)(b) of the Rules, the Prosecution requests that the Defence be prohibited from disclosing such information to a third party or the public (other than those directly connected to its investigation or trial preparation).

Request for Confidentiality

4. Annex A appended to this communication contains the “List of Disclosed Material” obtained by the Prosecution from the CAR national authorities provided to the Defence on 12 October 2009. The Prosecution requests that this annex be received

¹ ICC-01/05-01/08-542, para.12(c).

² ICC-01/05-01/08-55. The disclosure is conducted in accordance with the disclosure decision of the Pre-Trial Chamber.

as confidential as this list contains information relating to the identities of persons interviewed as part of national criminal proceedings in the CAR, some of whom are known to the Defence, but not the public.



Luis Moreno-Ocampo, Prosecutor

Dated this 12th day of October 2009

At The Hague, The Netherlands