

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **06 November 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 document

With Confidential *Ex parte* Prosecution and Defence Only Annex A

Prosecution's disclosure of summary of outstanding materials to the Defence pursuant to the Chamber's Order on disclosure of evidence by the Office of the Prosecutor of 4 November 2009

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

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Legal Representatives of Victims

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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States Representatives

Amicus Curiae

REGISTRY

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Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Introduction

1. On 4 November 2009, Trial Chamber III (“the Chamber”) issued its Order on disclosure of evidence by the Office of the Prosecutor (“the Order”).¹ The Order requested the Office of Prosecutor (“the Prosecution”) to provide the Defence by 9 November 2009 with an annex,² which was earlier filed as Confidential, *Ex Parte*, Prosecution Only³, once it has protected confidential information contained therein.⁴ It also requested the Prosecution to notify the Chamber within 48 hours, if it anticipates difficulty in implementing this order.

Prosecution’s Submission of Annex A as Confidential, *Ex parte*, Prosecution and Defence Only

2. The Prosecution hereby complies with the Chamber’s Order and re-classifies Annex A to this submission as Confidential, *Ex parte*, Prosecution and Defence Only. Annex A is a list of outstanding materials that the Prosecution seeks to introduce at trial. As further requested by the Chamber, the Prosecution has redacted limited information in the annex pertaining to its ongoing investigations, pursuant to Rule 81(2) of the Rules of procedure and evidence (“the Rules”). All other information contained in the said annex has been provided to the Defence in unredacted form⁵ to facilitate timely preparation of the Defence’s case pursuant to Article 67 of the Rome Statute.

¹ ICC-01/05-01/08-590

² ICC-01/05-01/08-590, para. 3

³ See filing, ICC-01/05-01/08-552, Public with *Ex parte*, Prosecution Only Annex A

⁴ ICC-01/05-01/08-590, para. 3

⁵ The disclosure is consistent with para. 6 of the Order as well as the Prosecution’s request for lifting, maintaining and applying redactions filed on 26 October 2009, ICC-01/05-01/08-572.

3. The Prosecution requests a non-disclosure order prohibiting the Defence from disclosing the information contained in the appended annex to a third party (other than those involved in its case preparation) pursuant to Rule 87(3)(b) of the Rules.



Luis Moreno-Ocampo, Prosecutor

Dated this 6th day of November 2009

At The Hague, The Netherlands