

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/08**
Date: **15 January 2010**

TRIAL CHAMBER III

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

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

Public

**Prosecution's Submission of its "Updated Summary of Presentation of Evidence"
with Confidential, *Ex Parte*, Prosecution and Defence Only Annexes A, B, C, D
and Public Annex E**

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

Ms Marie-Edith Douzima-Lawson

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

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. At the status conference of 7 October 2009, Trial Chamber III (“the Chamber”) requested the Office of the Prosecutor (“the Prosecution”) to file a summary of the presentation of its evidence.¹ The aforementioned document was filed by the Prosecution as requested on 4 November 2009.²

2. Further at the status conference of 8 December 2009, the Chamber requested the Prosecution to file an updated summary of the presentation of its evidence by 15 January 2009.³ The Chamber requested that reference to each of the witnesses and documentary evidence that had not been referred to in the 4 November 2009 version of the document be included, at the appropriate place, within the updated document.⁴ The Prosecution hereby submits its updated summary of presentation of evidence and related annexes.

Request for confidentiality

3. The Prosecution requests that Annexes A, B, C and D be received as “Confidential, *Ex Parte*, Prosecution and Defence Only” as they contain confidential information pertaining to witnesses known to the Defence but not to the Public. The Prosecution files as Annex E the public redacted version of Annex A, its updated summary of presentation of evidence.

Appended Annexes

- a. **Annex A:** Prosecution’s Updated Summary of Presentation of Evidence (15 January 2010), Confidential, *Ex Parte*, Prosecution and Defence Only;
- b. **Annex B:** Updated List of Evidence (15 January 2010), Confidential, *Ex Parte*, Prosecution and Defence Only;
- c. **Annex C:** List of witnesses and identifying codes, Confidential, *Ex Parte*, Prosecution and Defence Only;
- d. **Annex D:** List of Evidence the Prosecution intends to rely on at trial, Confidential, *Ex Parte*, Prosecution and Defence Only;
- e. **Annex E:** Public redacted version of the Updated Summary of Presentation of Evidence (15 January 2010).

¹ ICC-01/05-01/08-T-14-ENG, p. 12, lines 18-25 and p. 13, lines 1-3.

² ICC-01/05-01/08-595.

³ ICC-01/05-01/08-T-18-ENG, p. 46, lines 1-9 and p. 47, lines 12-15.

⁴ ICC-01/05-01/08-T-18-ENG, p. 46, lines 4-7.

Updated summary of presentation of evidence and updated list of evidence

4. The Prosecution submits that the updated summary does not limit the Prosecution in the evidence it intends to call. Rather, it serves to facilitate the preparation for trial by summarizing the main points and principal evidence in the Prosecution's case.

5. The updated summary corresponds with the Chamber's request that the Prosecution refer to each witness and documentary evidence to be relied on at trial⁵. Specifically, the updated summary and updated list of evidence differ from the version filed on 4 November 2009⁶ in that they include eight pieces of evidence disclosed to the Defence on 11 and on 30 November 2009 respectively.⁷ For ease of reference, these documents are highlighted in Annexes A and B.

6. In an attempt to ensure that the trial is expeditious, the Prosecution will present before the Chamber a focused case. It is the Prosecution's objective to develop its case around a minimum number of witnesses so as to maximize security and efficiency of proceedings. After further review of its case, the Prosecution hereby informs the Chamber that it no longer intends to rely on three of its witnesses at trial.⁸ It may further streamline its case as trial nears and decide not to offer other currently-identified witnesses or items of evidence.

7. All the evidence relied upon by the Prosecution in its appended updated summary and updated list of evidence are referenced by Evidence Registration Numbers ("ERN numbers") and Evidence Numbers ("EVD numbers").

List of witness codes

8. The Prosecution refers to its witnesses in the updated summary by codes. Annex C contains a separate list that identifies the witness names and their corresponding codes. The

⁵ ICC-01/05-01/08-T-18-ENG, p. 46, lines 4-7.

⁶ ICC-01/05-01/08-595-Conf-Exp-AnxA.

⁷ ICC-01/05-01/08-629. The new materials were disclosed in accordance with the Chamber's order contained in Decision ICC-01/05-01/08-590, para. 7 rendered on 4 November 2009. As such, the new materials were disclosed after the Prosecution had filed its first summary presentation of evidence on 4 November 2009.

⁸ These three witnesses are: CAR-OTP-WWWW-0021, CAR-OTP-WWWW-0024 and CAR-OTP-WWWW-0145. The Prosecution recalls that it mentioned these witnesses in its list of outstanding material that it filed with the Chamber on 9 October 2009. The referred filing is ICC-01/05-01/08-552-Conf-Exp-AnxA.

material contained therein is not new but is instead presented in a new consolidated format. This annex is provided to facilitate reference to evidence referred to in its updated summary.

List of evidence for trial

9. Attached as Annex D to this submission is an updated list of incriminatory evidence the Prosecution references in its updated case summary and which it currently intends positively to rely upon at trial, without excluding the possibility of introducing further evidence necessary to establish the truth.



Luis Moreno-Ocampo, Prosecutor

Dated this 15th Day of January 2010

At The Hague, The Netherlands