

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 30 September 2010

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

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

Public Document

**Prosecution's Proposal on Time-Frames for Submission of
Bar Table Motions**

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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1. During the status conference of 24 September 2010, Trial Chamber III (“Chamber”) requested the Office of the Prosecutor (“Prosecution”) to provide an update on its application for admission of documents from the bar table.¹ Initially, the Prosecution had envisaged filing a bar table motion in advance of the commencement of the trial.² However, the Prosecution subsequently determined that it might aid the Chamber if applications are made during the trial itself, when the relevance of evidence might be more apparent. It also determined that a procedure such as that followed by Trial Chamber II (“TC II”) promotes trial efficiency. Accordingly, at the status conference the Prosecution clarified that it will request to introduce documents from the bar table at appropriate times during the trial and file a motion for admission of residual documents at the end of its case.³ The Chamber then directed the Prosecution to submit its position in writing by 1 October 2010.⁴

2. The Prosecution proposes to offer documents from the bar table into evidence at appropriate times during the trial and to file a motion at the end of its case concerning residual documents not already admitted. It also proposes that the Chamber adopt the procedure on the filing of bar table motions set out by TC II in its “Directions for the conduct of the proceedings and testimony in accordance with rule 140”.⁵ TC II requires the tendering party to send the proposed materials in advance to the opposing party, which may indicate to the tendering party whether it objects, agrees to, or takes no position on admissibility of the materials within a reasonable time. The tendering party will then make substantive submissions that reflect the response by the opposing party.

¹ ICC-01/05-01/08-T-25-CONF-ENG, page 17, lines 13 to 21.

² ICC-01/05-01/08-793, The Prosecution’s Submissions in Preparation for the Commencement of the Trial, 10 June 2010, at para. 12.

³ ICC-01/05-01/08-T-25-CONF-ENG, page 17, line 22 to page 19, line 2.

⁴ ICC-01/05-01/08-T-25-CONF-ENG, page 19, lines 20 to 24.

⁵ ICC-01/04-01/07-1665-Corr, Directions for the conduct of the proceedings and testimony in accordance with rule 140, 1 December 2009, at paras 101-102.

3. The proposal to introduce certain items of evidence during the trial through bar table motions, with the opportunity for the other party to assess and formulate its views in advance of the motion, is designed to (i) promote the efficient conduct of the trial and avoid needless consumption of trial time and (ii) reduce the overall length of the Prosecution's case.

Request

4. In light of the foregoing, the Prosecution urges the Chamber to accept its proposals on the time-frames for the submission of bar table motions as set out in paragraph 2 of this filing.



Luis Moreno-Ocampo, Prosecutor

Dated this 30th day of September 2010

At The Hague, The Netherlands