

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 16 May 2011

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
With
Confidential Annexes A and B**

Prosecution's Submission of Amended List of 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

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Detention Section

Victims Participation and Reparations Other Section

I. Introduction

1. On 24 November 2010, the Office of the Prosecutor ("Prosecution") submitted its updated list of evidence as requested by the Trial Chamber III ("Chamber").¹

2. After the Prosecution discovered that the list of evidence contained an incorrect version of Witness 63's statement, on 21 April 2011, the Prosecution submitted its amended list of evidence.²

3. In preparation for the testimony of Witness 209, the Prosecution further discovered that the updated list of evidence contains an incorrect version of this witness' statement. The item listed under no. 55 refers to a version containing redactions³ that were subsequently lifted in compliance with the Chamber's instructions.⁴ The updated, lesser redacted version⁵ was disclosed to the Defence on 20 July 2010,⁶ but was not included in the updated list of evidence.

4. The Prosecution then conducted an in-depth review of its amended list of evidence and discovered that the following further amendments are necessary.

5. All the statements of Witness 119 (items no. 37 to 41 on the amended list of evidence) were re-disclosed in non-redacted form⁷ on 21 March 2011 upon Defence's

¹ ICC-01/05-01/08-1038 with confidential Annexes A and B, Prosecution's Submission of Updated List of Evidence, 24 November 2010.

² ICC-01/05-01/08-1385 with confidential Annexes A and B, Prosecution's Submission of Amended List of Evidence, 21 April 2011. The only amendment related to the incorrect version of Witness 63's statement.

³ CAR-OTP-0057-0066_R01.

⁴ ICC-01/05-01/08-813-Conf, Decision on the Prosecution's Request to Lift, Maintain and Apply Redactions to Witness Statements and Related Documents, 7 July 2010.

⁵ CAR-OTP-0057-0066_R02.

⁶ ICC-01/05-01/08-838, Prosecution's Communication of Incriminatory, Potentially Exculpatory and Rule 77 Evidence Disclosed to the Defence on 20 July 2010, 21 July 2010.

⁷ CAR-OTP-0044-0114, CAR-OTP-0044-0128, CAR-OTP-0044-0159, CAR-OTP-0044-0184, CAR-OTP-0044-0202.

request and a Chamber's order.⁸ However, the redacted statements still appear in the list of evidence.⁹

6. A statement of Witness 213 (item no. 117 on the amended list of evidence),¹⁰ further to the Chamber's instructions,¹¹ on 20 July 2010 was disclosed to the Defence in a lesser redacted version,¹² which was not included in the updated list of evidence.

7. The item listed under no. 354 on the amended list of evidence,¹³ a document related to Witness 178, was re-disclosed pursuant to a Chamber's order¹⁴ in non-redacted form¹⁵ on 20 July 2010.¹⁶ This latter version was not included in the updated list of evidence.

8. A forensic report¹⁷ listed under no. 590 on the amended list of evidence, pursuant to a Chamber's order,¹⁸ was re-disclosed¹⁹ in a lesser redacted version on 20 July 2010. This lesser redacted version²⁰ was not included in the list of evidence.

9. On 6 May 2011, the Prosecution sought the Chamber's guidance and suggested replacing the older versions of the statements of Witness 209, Witness 119 and Witness 213, the document related to Witness 178 and the forensic report with the newer, lesser redacted, or non-redacted versions of the above-mentioned statements and documents.²¹ On 12 May 2011, the Chamber approved the

⁸ Email of 21 March 2011 from Tonia Gillett to Massimo Scaliotti.

⁹ CAR-OTP-0044-0114_R01, CAR-OTP-0044-0128_R01, CAR-OTP-0044-0159_R01, CAR-OTP-0044-0184_R01, CAR-OTP-0044-0202_R01.

¹⁰ CAR-OTP-0056-0315_R01.

¹¹ ICC-01/05-01/08-815-Conf, Decision on the Prosecution's Applications for Redactions, 9 July 2010.

¹² CAR-OTP-0056-0315_R02.

¹³ CAR-OTP-0054-0528_R01.

¹⁴ ICC-01/05-01/08-813-Conf.

¹⁵ CAR-OTP-0054-0528.

¹⁶ ICC-01/05-01/08-838.

¹⁷ CAR-OTP-0051-0263_R01.

¹⁸ ICC-01/05-01/08-815-Conf.

¹⁹ ICC-01/05-01/08-838.

²⁰ CAR-OTP-0051-0263_R02.

²¹ Email of 6 May 2011 from Massimo Scaliotti to Ania Salinas.

Prosecution's proposal to amend the list of evidence accordingly.²² Pursuant to the approval, the Prosecution hereby submits the English and French versions of the newly amended list of evidence in Annexes A and B.

II. Request for confidentiality

10. The Prosecution requests that Annexes A and B be received by the Chamber as "Confidential" as they relate to confidential information that is not known to the public.



Luis Moreno-Ocampo, Prosecutor

Dated this 16th Day of May 2011
At The Hague, The Netherlands

²² Email of 12 May 2011 from Ania Salinas to Massimo Scaliotti.