

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 March 2012

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 Request for leave to reply to "Defence Response to the Prosecution's
Application for Admission of Evidence from the Bar Table"**

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. Aimé Kilolo Musamba

Mr. Peter Haynes

Legal Representatives of Victims

Ms. Marie-Edith Douzima-Lawson

Mr. Assingambi Zarambaud

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

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Ms. Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Ms. Maria-Luisa Martinod-Jacome

Detention Section

Victims Participation and Reparations Other Section

1. Pursuant to Regulation 24(5) of the Regulations of the Court, the Office of the Prosecutor (“Prosecution”) requests authorization of Trial Chamber III (“Chamber”) to submit a reply to the “Defence Response to the Prosecution’s Application for Admission of Evidence from the Bar Table” (“Defence Response”).¹

2. On 28 February 2012 the Prosecution filed the “Prosecution’s Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute” (“Bar Table Motion”).² On 19 March 2012 the Defence filed the Defence Response detailing its objections. A reply is warranted in light of the legal objections raised by the Defence. The Chamber “will benefit from receiving additional observations”³ on the admissibility of the proffered documents and audio-visual material.

3. The instant request is further justified and “well-founded”⁴ by the previous rulings and practices of the Chamber. The Chamber’s “Order on the procedure relating to the submission of evidence” allowed the proponent of evidence to reply to opposing party objections.⁵ Additionally, during the in-court oral submission of evidence the Chamber routinely has allowed the proponent of evidence to reply to opposing party objections.⁶

4. The Prosecution respectfully requests that the Chamber issue a decision on the instant Prosecution request as a matter of urgency in order for the Prosecution to reply within the time limits required under Regulation 34(c).

¹ ICC-01/05-01/08-2168, Defence Response to the Prosecution’s Application for Admission of Evidence from the Bar Table”, 19 March 2012.

² ICC-01/05-01/08-2147, Prosecution’s Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute, 28 February 2012.

³ ICC-01/05-01/08-2014, Order granting leave to reply, 15 December 2011, para. 4.

⁴ ICC-01/05-01/08-1899-Conf, Order granting leave to reply, 10 November 2011, para. 4.

⁵ ICC-01/05-01/08-1470, Order on the procedure relating to the submission of evidence, 31 May 2011, para. 4.

⁶ See e.g. ICC-01/05-01/08-T-129-CONF-ENG CT, 15 June 2011, pp. 21-25.

5. The Prosecution accordingly seeks leave pursuant to Regulation 24(5) of the Regulations to file a reply to the Defence Response to address these issues. If leave is granted, the Prosecution intends on filing the reply in accordance with Regulation 34(c).

A handwritten signature in blue ink, appearing to read 'Luis Moreno-Ocampo', with a long horizontal stroke extending to the left.

Luis Moreno-Ocampo, Prosecutor

Dated this 22th Day of March 2012

At The Hague, The Netherlands