

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 16 April 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
With
Confidential Annex A**

**Prosecution's submission of the second list of materials it requests to be admitted
into 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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Mr. Aimé Kilolo Musamba

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Legal Representatives of Victims

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Legal Representatives of Applicants

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Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

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Registrar

Ms. Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

1. On 31 May 2011, Trial Chamber III (“Chamber”) issued its “Order on the procedure relating to the submission of evidence”,¹ whereby the parties were ordered to file the lists of all materials used during the examination of witnesses from the commencement of the trial until the testimony of Witness CAR-OTP-PPPP-0209 (“Witness 209”), that they intend to offer into evidence. Furthermore, the parties were instructed to submit via email, from the testimony of Witness CAR-OTP-PPPP-0110 (“Witness 110”) onwards, their respective lists of materials to be used during the examination of witnesses and tendered as evidence.²

2. On 14 June 2011, in compliance with the Chamber’s order, the Office of the Prosecutor (“Prosecution”) and the Defence filed their lists of materials used during the examination of witnesses until the testimony of Witness 209 they requested to be submitted as evidence.³

3. On 15 December 2011, the Chamber ruled on the parties’ requests.⁴ In the same decision, the Chamber also ruled on the admissibility of those documents that were materially submitted as evidence in court by the parties from the testimony of Witness 110 through the completion of the testimony of Witness CAR-OTP-PPPP-0213.

4. On 26 March 2012, the Chamber, noting that many documents marked by the parties “to be tendered” in the lists submitted via email were never tendered into evidence, ordered the parties to file a list of all materials they intend to submit as

¹ ICC-01/05-01/08-1470, Order on the procedure relating to the submission of evidence, 31 May 2011, para. 3.

² *Ibid.* para. 7 (a).

³ ICC-01/05-01/08-1514, Prosecution’s submission of the list of materials it requests to be admitted into evidence, 14 June 2011; ICC-01/05-01/08-1515, *Liste des documents que la Défense entend faire valoir comme éléments de preuve conformément à l’ordonnance de la Chambre du 31 mai 2011*, 14 June 2011.

⁴ ICC-01/05-01/08-2012-Conf, First decision on the prosecution and defence requests for the admission of evidence, 15 December 2011.

evidence from the testimony of Witness 110 through the testimony of Witness CAR-OTP-PPPP-0036, by 16 April 2012.⁵

5. Pursuant to the Chamber's order, the Prosecution hereby submits its second list of materials in Annex A appended to this filing. For the Chamber's and the Defence's convenience, the materials are organized by witnesses in their order of appearance.

6. The Prosecution submits that all proposed items are relevant, probative to the issues of the case, and bear sufficient indicia of reliability to warrant their admission into evidence. The admission of the materials is in the interest of judicial economy and a fair trial and will not unfairly prejudice the Accused, since the Defence has been in possession of the proposed items in advance of the witnesses' testimony and had the opportunity to examine all witnesses on the content of these materials.

Request for admission of materials into evidence

7. The Prosecution respectfully requests that the materials contained in the appended list be admitted into evidence.

⁵ ICC-01/05-01/08-2177, Order on the procedure for the submission as evidence of material used during questioning of witnesses, 26 March 2012, paras. 3 and 5.

Request for confidentiality

8. The Prosecution requests that Annex A be received by the Chamber as “Confidential” as it relates to confidential information that is not known to the public. The Prosecution simultaneously submits a redacted version of Annex A to be made available to the public.



Luis Moreno-Ocampo, Prosecutor

Dated this 16th Day of April 2012

At The Hague, The Netherlands