

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 May 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 Redacted Version
With An Annex A Confidential Ex parte, Defence and VWU only*

Submissions on Defence Evidence

Source: Defence for Mr. Jean-Pierre Bemba Gombo

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
Mr Aimé Kilolo-Musamba
Mr Peter Haynes

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants
(Participation/Reparation)

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Deputy Registrar

Didier Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

A. SUBMISSIONS

1. The present submissions and attached summaries of the proposed testimony of Defence witnesses are filed in compliance with the Chamber's *Decision on the starting date of the defence presentation of evidence and related issues*, of 24 May 2012,¹ pursuant to which the Defence was given 2 working days in which to produce the following:

- (a) a detailed description of the subject matter of the testimony of all of its proposed witnesses, specifically indicating the particular issues each witness is intended to testify about;
- (b) a detailed description of the issues that the witnesses may face impeding their ability to obtain a passport or any other relevant travel documents, or to testify before the Chamber in The Hague for any other reason;
- (c) a detailed explanation of the reasons why some witnesses may require "safe passage/immunity" and the exact nature of the immunity requested for each witness;
- (d) any alternative measure the defence suggests could be applied in order to ensure the testimony of the relevant witnesses before the Chamber (e.g. video-link); and
- (e) the language or languages expected to be used by each witness to testify.

2. Confidential and Ex Parte Annex A represents not just the culmination of a lengthy and exhaustive investigation by the Defence, but also an exercise in providing the trier of fact with the minimal quantity of direct oral evidence to rebut the various assertions made obliquely throughout the Prosecution case. As such it represents a carefully reasoned selection of witnesses.

¹ICC-01/05-01/08-2221

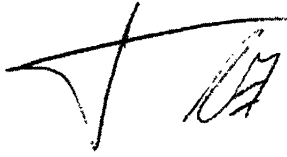
3. Given the uncertain state of admissibility of documents in the present case, and the outstanding motions from both parties as to the admission of documentary material, the Defence reserves the right to seek to add witnesses to the present list if required to rebut additional evidence as admitted by the Chamber.

4. [REDACTED]

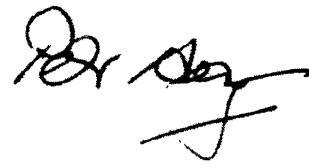
5. The Defence submits that the obvious relevance and importance of these witnesses to establishing the truth of the events in question both explains and justifies the current Defence list of witnesses.

6. The attached summaries are being provided on the basis ordered by the Chamber, and have not been drafted with a view to eventual disclosure to the public, Prosecution or Legal Representatives for Victims. These submissions and the accompanying Annex A are filed as confidential and *ex parte* because they contain details of Defence witnesses which the Defence is not required to disclose to the Prosecution or Legal Representatives at this stage, or at all.

The whole, respectfully submitted.



Aimé KiloloMusamba
Lead Counsel



Peter Haynes
Co- Counsel

Done on the 28th of May 2012
At The Hague, The Netherlands