

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/05-01/08
Date: **6 September 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 Communication of Rule 77 Evidence Disclosed to the Defence on 6
September 2012**

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 Gombo

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

Ms. Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

I. Introduction

1. The Office of the Prosecutor (“Prosecution”) herewith submits the report for Rule 77 evidence disclosed to the Defence team of Mr Jean-Pierre Bemba Gombo on 6 September 2012. This communication is submitted in accordance with the operative disclosure regime, the Decision on the Evidence Disclosure System and Setting a Timetable for Disclosure between the Parties.¹

2. Following the Defence disclosure of its witness names, summary statements and Defence case theory on 13 July 2012, and in accordance with its ongoing obligation to disclose evidentiary material and information pursuant to Article 67(2) of the Rome Statute and Rule 77 of the Rules of Procedure and Evidence, the Prosecution is searching and reviewing all its databases systematically in order to disclose relevant information. The documents disclosed today emanate from that review and contain information that newly appears to be material to the preparation of the defence, potentially exculpatory evidence that may be related to the Defence witnesses or impeachment material that may be used at trial. The Prosecution has disclosed some documents by mere virtue of the fact that names of Defence witnesses are mentioned, without further assessment, as the witness summaries provided by the Defence contain limited information to enable the Prosecution to conclude that it is indeed those individuals or to analyse the extent to which such materials may become relevant. Other incriminatory documents that the Prosecution chose not to rely upon have now been disclosed as they may be used in light of certain individuals being called to testify for the Defence.

II. Request for Confidentiality

¹ ICC-01/05-01/08-55, Decision on the Evidence Disclosure System and Setting a Timetable for Disclosure between the Parties, 31 July 2008.

3. The Prosecution requests that Annex A appended to this communication, be received by Trial Chamber III as “Confidential” as it relates to evidence disclosed *inter partes*.



Fatou Bensouda, Prosecutor

Dated this 6th Day of September 2012

At The Hague, The Netherlands