

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/05-01/08
Date: **12 October 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 Further Submission on the Issue of Self Incrimination

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

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States Representatives

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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

1. On 2 June 2010, Trial Chamber III (“Chamber”) ordered the Office of the Prosecutor (“Prosecution”) to file submissions regarding, *inter alia*, whether any concern as to self-incrimination may arise in relation to Prosecution witnesses pursuant to Rule 74 of the Rules of Procedure and Evidence (“Rules”).¹ On 10 June 2010, the Prosecution filed its submissions stating its intention not to prosecute any of the witnesses that the Prosecution would present at trial.²

2. On 20 July 2010, the Prosecution informed the Chamber of the receipt of correspondence from the authorities of the Central African Republic (“CAR”) and the Democratic Republic of Congo (“DRC”), including their assurances to witnesses testifying before this Court against possible prosecution in their national jurisdictions.³

¹ ICC-01/05-01/08-785, Order for the filing of submissions in preparation the commencement of the trial, 2 June 2010, para. 2 (i)

² ICC-01/05-01/08-793, The Prosecution’s Submissions in Preparation for the Commencement of the Trial, 10 June 2010, para. 13.

³ ICC-01/05-01/08-835, Notification of documents communicated by the Governments of the Central African Republic and the Democratic Republic of Congo in relation to Rule 74 of the Rules of Procedure and Evidence, 20 July 2010. Pursuant to the Chamber’s instructions dated 10 October 2012, Annexes A and B to the aforementioned document, containing confidential documents from the CAR and the DRC governments, filed as Confidential, *Ex Parte*, Prosecution and Defence only, were reclassified as Confidential.

3. The Prosecution reiterates that, without reference or commitment regarding any possible proceedings under Article 70 of the Rome Statute against witnesses called by either party or the Court itself, should the facts warrant, the Prosecution does not currently intend to prosecute any individuals on the Defence witness list.



Fatou Bensouda, Prosecutor

Dated this 12th Day of October 2012

At The Hague, The Netherlands