

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/05-01/08**
Date: **15 November 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**

Confidential, *Ex parte*, Prosecution and Registry only

**Prosecution's Request for Record of Payments made by the Registry to Witnesses
called by the Defence of Mr. Jean-Pierre Bemba Gombo**

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

Legal Representatives of Victims

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

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. Prosecution's Request

1. Pursuant to Article 70 of the Rome Statute ("Statute"), the Office of the Prosecutor ("Prosecution") is presently conducting an investigation into potential payments to Defence witnesses of Mr. Jean-Pierre Bemba Gombo ("Accused"), including the three expert witnesses, CAR-D04-PPPP-0053, CAR-D04-PPPP-0059 and CAR-D04-PPPP-0060.

2. Before proceeding further with this investigation and providing Trial Chamber III ("Chamber") with further information, which at this stage would be premature, the Prosecution requires detailed knowledge of the payments effected by the Registry to the Defence witnesses on any ground related to their testimonies, either directly or through any intermediary person or persons. Additionally, with regard to the Defence expert witnesses, the Prosecution is also seeking information from the Registry as to the amount of professional fees that the expert witnesses were granted and paid in relation to their testimonies.

3. The information sought is essential for the Prosecution to proceed with its ongoing investigation. Further, providing the information to the Prosecution will not compromise any rights or interests of the Defence. Payments to witnesses by the Registry for expenses and/or professional fees are routine and expected, and there is no reason why this information cannot be provided to the Prosecution. Finally, because the Defence case is ongoing, the Prosecution requires the requested information from the Registry urgently.

II. Request for Confidentiality

4. The Prosecution requests that: (i) this request be received by the Chamber as "Confidential, *Ex parte*, Prosecution and Registry only"; (ii) any proceedings

conducted in connection with this request be held *ex parte* in closed session. The Prosecution's request is based on the reason that awareness at this stage by the Defence and the public of the information contained in this application would compromise the ongoing investigation.

III. Conclusion

5. In light of the foregoing, the Prosecution respectfully requests the Chamber to order the Registry to:

- a. Provide the Prosecution, as soon as possible and in any event within one week of the Chamber's order, with the record of the payments effected by the Registry to Defence witnesses who have testified or who are testifying in the future, including the three expert witnesses, on any ground related to their testimonies, either directly or through any intermediary person or persons;
- b. Provide the Prosecution with information as to the amount of professional fees that the three Defence expert witnesses were granted and paid.



Fatou Bensouda, Prosecutor

Dated this 15th Day of November 2012

At The Hague, The Netherlands