

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/05-01/08
Date: 15 November 2013

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 1**

**Prosecution's Observations on possible admission of 69 documents by the
Chamber pursuant to Article 69(3) of the Rome Statute**

Source: 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

Ms. Fatou Bensouda, Prosecutor
Mr. James Stewart, Deputy Prosecutor
Mr. Jean-Jacques Badibanga

Counsel for the Defence

Mr. Aimé Kilolo Musamba
Mr. Peter Haynes

Legal Representatives of the Victims

Ms. Marie-Edith Douzima-Lawson
Mr. Assingambi Zarambaud

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms. Paolina Massidda

**The Office of Public Counsel for the
Defence**

Mr. Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr. Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. On 23 October 2013, Trial Chamber III (“Chamber”) informed the parties and participants that “it was considering admitting into evidence the 69 documents listed in confidential Annex” pursuant to Article 69(3) of the Rome Statute (“Order 2841”).¹ The Chamber ruled, *inter alia*, that “[s]hould the parties and participants not oppose the admission of *any* of the listed documents, they *may* make observations on their relevance, probative value and the prejudicial effect of their admission into evidence, *if any*.”²

2. The Office of the Prosecutor (“Prosecution”) supports the admission of any of the 69 documents listed in Annex A of Order 2841. As the Chamber notes, these documents were used in court during the testimony of witnesses and may assist the Chamber in better contextualising the related testimonies.³ On 30 October 2013,⁴ following the Chamber’s Order 2841, the Prosecution excluded certain documents from its application for admission of other remaining items in order to avoid unnecessary duplication. In line with Order 2841, the Prosecution has provided additional observations on some specific documents in Annex 1 appended to this observation.

3. The Prosecution hereby incorporates previous general submissions on the admission of documents from the Bar table.⁵

¹ ICC-01/05-01/08-2841+ Conf-Anx, Order seeking observations on the submission as evidence of items used during the questioning of witnesses but not submitted as evidence by the parties or participants, 23 October 2013, para. 10.

² *Ibid.* [Emphasis added]

³ *Ibid.*, paras. 8 and 9.

⁴ ICC-01/05-01/08-2854+Conf-AnxA, Prosecution’s Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute, 30 October 2013.

⁵ See, for example, ICC-01/05-01/08-2854+Conf-AnxA, Prosecution’s Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute, 30 October 2013, paras. 4 to 5 and paras. 11 to 16; and ICC-01/05-01/08-2596-Conf+Conf-AnxA, Prosecution’s Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute, 22 April 2013, paras. 4 to 5 and paras. 23 to 29.

II. Annex 1

4. Annex 1 appended to this application lists in respect of each item proposed for admission: (i) Evidence Registration Number ("ERN"); (ii) Title; (iii) Date, where available; (iv) Source/ author; (v) Description of item; (vi) Relevance; (vii) Probative value; and (viii) Date of disclosure.

III. Request for confidentiality

5. The Prosecution requests Annex 1 to this application be received by the Chamber as "Confidential" due to the confidential nature of the information contained therein.

IV. Relief sought

6. The Prosecution supports the Chamber's admission of any of the documents listed in Annex A of Order 2841 and provides additional justification to support the admission of documents listed in Annex 1.



Fatou Bensouda, Prosecutor

Dated this 15th Day of November 2013

At The Hague, The Netherlands