

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 20 January 2014

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 Request for leave to reply to Defence "Response to the Prosecution's
Application to Submit Additional Evidence"**

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

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Unrepresented Victims

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States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr. Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

I. Introduction

1. Pursuant to Regulation 24(5) of the Regulations of the Court (“Regulations”), the Office of the Prosecutor (“Prosecution”) requests authorization of Trial Chamber III (“Chamber”) to submit a reply to the Defence “Response to the Prosecution’s Application to Submit Additional Evidence” (“Defence Response”).¹

2. On 29 November 2013, the Prosecution filed the “Prosecution’s Application to Submit Additional Evidence” (“Prosecution Application”).² On 15 January 2014, the Defence filed the Defence Response enumerating various objections. The Chamber “will benefit from receiving additional observations”³ from the Prosecution in light of the new legal and factual arguments advanced by the Defence and their importance to the case.

II. Submissions

3. The present request is justified and well-founded because the Defence Response raises novel arguments that could not have been anticipated, but which have a significant bearing on the Prosecution Application and the proceedings. These issues are:

- i. Whether evidence of witness bribery and coaching in this case is rebuttal evidence and/ or relevant evidence necessary for the determination of the truth;

¹ ICC-01/05-01/08-2937-Conf, Response to the Prosecution’s Application to Submit Additional Evidence, 15 January 2014.

² ICC-01/05-01/08-2910, Prosecution’s application to submit additional evidence, 29 November 2013.

³ ICC-01/05-01/08-2014, Order granting leave to reply, 15 December 2011, para. 4.

- ii. Whether the Prosecution's submission of additional evidence under the circumstances is justifiable;
- iii. Whether the Accused is prejudiced by the disclosure of additional evidence of witness bribery and coaching when he and other members of his Defence team consciously and knowingly based their case on false evidence.

III. Relief Sought

4. The Prosecution seeks leave to reply to the Defence Response pursuant to Regulation 24(5) of the Regulations of the Court ("Regulations"). The Prosecution respectfully requests that the Chamber issue a decision on the present request as a matter of urgency in order for the Prosecution to reply promptly. Should the Chamber grant leave, the reply will be filed in accordance with Regulation 34(c) of the Regulations.



Fatou Bensouda, Prosecutor

Dated this 20th Day of January 2014

At The Hague, The Netherlands