

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **22 July 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
With
Confidential Annex A**

Prosecution's Communication of Rule 77 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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REGISTRY

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Mr. Herman Von Hebel

Counsel Support Section

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 22 July 2014. 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. The Rule 77 documents emanate from Prosecution interviews of Defence witnesses, which were conducted following the close of oral presentation of evidence in this case, as part of investigations into alleged offences committed pursuant to Article 70 of the Rome Statute. The Trial Chamber III ("Chamber") ruled that such witness statements and interview notes "are material to the preparation of the defence as they may allow the defence to assess witnesses' evidence and credibility."²

3. The Chamber noted the Single Judge of Pre-Trial Chamber II's ruling that nothing bars Mr. Bemba from sharing the entirety of the ICC-01/05-01/13 case file with his counsel in this case; thus these items should have already been disclosed in the ICC-01/05-01/13 case and "both the accused and his counsel in the present proceedings should have already been given access to them".³

II. Request for Confidentiality

4. The Prosecution requests that Annex A appended to this communication be received by the Chamber as "confidential" as it relates to the formal transmission of

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.

² ICC-01/05-01/08-3070, Decision on the "Defence Motion on Prosecution contact with its witnesses", para. 24.

³ *Ibid.*, para. 26.

confidential evidence disclosed *inter partes* to Mr. Bemba under the same classification in the ICC-01/05-01/13 Case.



Fatou Bensouda, Prosecutor

Dated this 22nd Day of July 2014

At The Hague, The Netherlands