

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 14 June 2011

**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 submission of the list of materials it requests to be admitted into  
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**

**Counsel for the Defence of Jean-Pierre Bemba**

Mr Nkwebe Liriss

Mr Aimé Kilolo Musamba

**Legal Representatives of Victims**

Ms Marie-Edith Douzima-Lawson

Mr Assingambi Zarambaud

**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Deputy Registrar**

Mr Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Other Section**

1. On 19 November 2010, Trial Chamber III (“Chamber”) rendered the “Decision on the admission into evidence of materials contained in the prosecution’s list of evidence”.<sup>1</sup> The Chamber decided, *inter alia*, that any materials disclosed to the Defence and forming part of the Office of the Prosecutor’s (“Prosecution”) list of evidence are *prima facie* admitted as evidence for the purpose of the trial.<sup>2</sup> On 3 May 2011, the Appeals Chamber reversed this decision.<sup>3</sup> Subsequently, the Chamber issued an order on the procedure relating to the submission of evidence, requesting the parties to file a list of all materials they intend to submit as evidence by 14 June 2011.<sup>4</sup>

2. Pursuant to the Chamber’s order, the Prosecution hereby submits its list of materials in Annex A appended to this filing. For the Chamber’s and the Defence’s convenience, the materials are organized by witnesses in their order of appearance.

3. The Prosecution submits that all proposed items are relevant, probative to issues at trial, and bear sufficient indicia of reliability to warrant their admission into evidence, in order for the Chamber to assess freely the weight to be attached to these items against the entire record of the trial. The admission of the materials is in the interest of judicial economy and fair trial and will not unfairly prejudice the Accused, since the Defence has been in possession of the proposed items in advance of the witnesses’ in-court testimony and had the opportunity to examine all witnesses on the content of these materials.

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<sup>1</sup> ICC-01/05-01/08-1022, Decision on the admission into evidence of materials contained in the prosecution’s list of evidence, 19 November 2010.

<sup>2</sup> ICC-01/05-01/08-1022, para. 35.

<sup>3</sup> ICC-01/05-01/08-1386 OA5 OA6, Judgement on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial Chamber III entitled “Decision on the admission into evidence of materials contained in the prosecution’s list of evidence”, 3 May 2011.

<sup>4</sup> ICC-01/05-01/08-1470, Order on the procedure relating to the submission of evidence, 31 May 2011, para. 3.

**Request for admission of materials into evidence**

4. The Prosecution respectfully requests that the materials contained in the appended list be admitted into evidence.

**Request for confidentiality**

5. The Prosecution requests that Annex A be received by the Chamber as “Confidential” as it relates to confidential information that is not known to the public.



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**Luis Moreno-Ocampo, Prosecutor**

Dated this 14<sup>th</sup> Day of June 2011

At The Hague, The Netherlands