

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 04 September 2008

PRE-TRIAL CHAMBER III

Before: Judge Fatoumata Dembele Diarra (Single Judge)

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
*v. JEAN-PIERRE BEMBA GOMBO***

Confidential

**Notification to the Defence of the Prosecutor's Position regarding Disclosure of
Additional Witnesses for Referral to VWU in Response to Pre-Trial Chamber III's
Order dated 23 July 2008**

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

Mr Nkwebe Liriss

Mr Tjarda E. Van der Spoel

Mr Aimé Kilolo-Musamba

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

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 13 October 2006, the Appeals Chamber delivered its Judgment on the Prosecutor's appeal against the decision of Pre-Trial Chamber I entitled "Decision Establishing General Principles Governing Applications to Restrict Disclosure pursuant to Rule 81 (2) and (4) of the Rules of Procedure and Evidence"¹
2. The Appeals Chamber determined that whenever a submission is filed *ex parte* and an application for *ex parte* proceedings is filed, the other participant must in principle be made aware in an *inter partes* filing of the fact that such an application was filed as well as of its legal basis.²
3. In compliance with this ruling, the Office of the Prosecutor (hereinafter referred to as "Prosecution") respectfully submits to the Defence this Notification in regards to the following Prosecutor's position which was filed *ex parte*.
4. On 23 July 2008 the PTC III issued the "Decision concerning the Prosecutor's proposals for redactions"³ which was received by the Prosecution on 24 July 2008.
5. On 4 September 2008 the Prosecution filed the "Prosecutor's Position regarding Pre-Trial Chamber III's Order Requiring the Prosecution to Disclose the Identity of the Witnesses not Previously Mentioned on Whom the Prosecution Intends to Rely at the Confirmation Hearing by 4 September 2008"
6. For the reasons set forth above, the Prosecution notifies the Defence of the following *ex parte* filing:

(a) Prosecutor's Position regarding Pre-Trial Chamber III's Order Requiring the Prosecution to Disclose the Identity of the Witnesses not Previously Mentioned

¹ ICC-01/04-01/06-568

² ICC-01/04-01/06-568 paras 65 and 67

³ ICC-01/05-01/08-48-US-Exp

on Whom the Prosecution Intends to Rely at the Confirmation Hearing by 4
September 2008, filed on 4 September 2008.



Luis Moreno-Ocampo, Prosecutor

Dated this 4th day of September 2008

At The Hague, The Netherlands