

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 23 March 2012

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

Decision on the "Prosecution's request for leave to reply to 'Defence Response to the Prosecution's Application for Admission of Evidence from the Bar Table'"

No. ICC-01/05-01/08

1/5

23 March 2012

Decision to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Petra Kneuer

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 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

Trial Chamber III (“Trial Chamber” or “Chamber”) of the International Criminal Court (“Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Bemba case”) hereby delivers the following Decision on the “Prosecution’s request for leave to reply to ‘Defence Response to the Prosecution’s Application for Admission of Evidence from the Bar Table’”.

1. On 28 February 2012, the Office of the Prosecutor (“prosecution”) filed its “Prosecution’s Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute” (“prosecution’s Application”),¹ wherein it requested the admission into evidence of 85 documents and 12 audio/video recordings, pursuant to Articles 64(9) and 69(2), (3) and (4) of the Rome Statute and Rule 63(2) and (5) of the Rules of Procedure and Evidence.²
2. On 19 March 2012, the defence of Mr Jean-Pierre Bemba Gombo (“defence”), filed its “Defence Response to the Prosecution’s Application for Admission of Evidence from the Bar Table” (“defence’s Response”),³ wherein it requested that the Chamber reject the admission of 67 items into evidence and admit 30 items of those included in the prosecution’s Application.⁴

¹ Prosecution’s Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute, 28 February 2012, ICC-01/05-01/08-2147, with two confidential Annexes ICC-01/05-01/08-2147-Conf-AnxA and ICC-01/05-01/08-2147-AnxB.

² ICC-01/05-01/08-2147, paragraph 1.

³ Defence Response to the Prosecution’s Application for Admission of Evidence from the Bar Table, 19 March 2012, ICC-01/05-01/08-2168, with two confidential Annexes ICC-01/05-01/08-2168-Conf-AnxA and ICC-01/05-01/08-Conf-AnxB.

⁴ ICC-01/05-01/08-2168, paragraph 50.

3. On 22 March 2012, the prosecution filed its "Prosecution's Request for leave to reply to 'Defence Response to the Prosecution's Application for Admission of Evidence from the Bar Table'" ("prosecution's Request for Leave to Reply"),⁵ wherein, pursuant to Regulation 24(5) of the Regulations of the Court, it requested leave to reply to the defence's Response.

4. In making this Decision, the Chamber has considered Regulations 24(5) and 34 of the Regulations of the Court. In the present circumstances the Chamber deems it appropriate to receive further observations from the prosecution before deciding on the prosecution's Application.

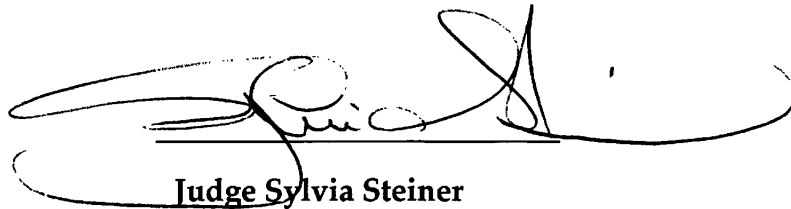
FOR THESE REASONS, THE CHAMBER

GRANTS the prosecution's Request for Leave to Reply;

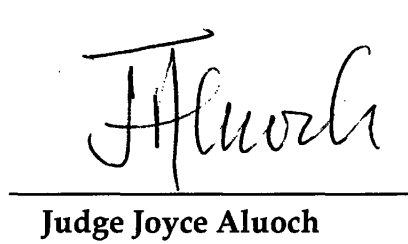
ORDERS the prosecution to file its reply no later than Friday, 30 March 2012.

⁵ Prosecution's Request for leave to reply to "Defence Response to the Prosecution's Application for Admission of Evidence from the Bar Table", 22 March 2012, ICC-01/05-01/08-2171.

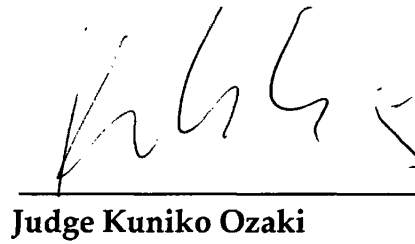
Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 23 March 2012

At The Hague, The Netherlands