

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/05-01/08  
Date: 11 December 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**

**Public redacted version of "Decision on 'Defence Motion for the Admission of Documents related to Witness 169 and Witness 178'"**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda  
Mr Jean-Jacques Badibanga

**Counsel for the Defence**

Mr Peter Haynes  
Ms Kate Gibson  
Ms Melinda Taylor

**Legal Representatives of the Victims**

Ms Marie-Edith Douzima Lawson

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the  
Defence**

Mr Xavier-Jean Keïta

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* hereby issues the following Decision on the Defence Motion for the Admission of Documents related to Witness 169 and Witness 178 (“Decision”).

## I. Background and Submissions

1. On 3 October 2013, the Office of the Prosecutor (“prosecution”) filed its confidential, *ex parte*, prosecution and Victims and Witnesses Unit (“VWU”) only, “Information on contacts of Witnesses 169 and 178 with other witnesses [...]” (“Prosecution’s Information”),<sup>1</sup> informing the Chamber that Witness 169 had sent letters to, amongst others, the prosecution and the VWU. In these letters,<sup>2</sup> appended in Annex A (“7 June 2013 Letter”) and Annex B (“10 June 2013 Letter”) (together “7 and 10 June Letters”), the witness, *inter alia*, listed alleged outstanding claims, including loss of income and “money promised by the Prosecutor for witnesses”, and provided a list [REDACTED] 22 individuals, including 21 witnesses called by the prosecution, who he alleged had been contacted and gathered by Witness 178 to “look at loss of income claims”.<sup>3</sup>

2. On 25 October 2013, the Chamber issued its “Decision on the prosecution’s

<sup>1</sup> Information on contacts of Witnesses 169 and 178 with other witnesses, 3 October 2013, ICC-01/05-01/08-2827-Conf-Exp and confidential *ex parte* Annexes A and B. A second confidential lesser redacted version of Information on [REDACTED] Witnesses 169 and 178 with other witnesses, 3 October 2013, (ICC-01/05-01/08-2827-Conf-Exp), ICC-01/05-01/08-2827-Conf-Red2 and confidential redacted Annexes A and B were filed on 9 January 2014.

<sup>2</sup> The letters were appended as Annexes A and B to the Prosecution’s Information and appear to be addressed to several Court officials and [REDACTED]. Annex A includes a letter sent by Witness 169 to the prosecution and an email sent by Witness 169 on 7 June 2013. Annex B includes the same letter sent by Witness 169 to the prosecution, a letter sent by Witness 169 to the VWU, as well as an email sent by Witness 169 on 10 June 2013.

<sup>3</sup> ICC-01/05-01/08-2827-Conf-Red2, paragraphs 7, 9, and 10.

'Information on contacts of Witnesses 169 and 178 with other witnesses located [...]'.<sup>4</sup> In this decision, the Chamber, *inter alia*: (i) determined that any information relating to the allegations made by Witness 169 as to "outstanding claims" and "money promised by the Prosecutor for witnesses" may be material for the preparation of the defence and should therefore be disclosed under Rule 77 of the Rules of Procedure and Evidence ("Rules"); (ii) ordered the prosecution to prepare, in coordination with the VWU and subject to the Chamber's approval, a proposed redacted version of the Prosecution's Information and its annexes; and (iii) ordered the VWU to submit a report on the issues addressed in the Prosecution's Information.<sup>5</sup> Following the Chamber's review,<sup>6</sup> a confidential redacted version of the Prosecution's Information, including its annexes, was filed on 7 November 2013.<sup>7</sup>

3. On 11 November 2013, the defence filed its "Defence Motion concerning 'Information on contacts with witnesses 169 and 178 with other witnesses'",<sup>8</sup> in which it requested, *inter alia*, that the Chamber order (i) the prosecution to provide the defence with a lesser redacted version of the Prosecution's Information and to formally disclose and attribute an Evidence Reference Number ("ERN") to its annexes, and (ii) the disclosure

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<sup>4</sup> Decision on the prosecution's 'Information on contacts of Witnesses 169 and 178 with other witnesses located [...]' (ICC-01/05-01/08-2827-Conf-Exp)", 25 October 2013, ICC-01/05-01/08-2845-Conf-Exp. A confidential redacted version was filed on 5 November 2013: Confidential redacted version of "Decision on the prosecution's 'Information on contacts of Witnesses 169 and 178 with other witnesses located [REDACTED]' (ICC-01/05-01/08-2827-Conf-Exp)" of 25 October 2013, 5 November 2013, ICC-01/05-01/08-2845-Conf-Red.

<sup>5</sup> ICC-01/05-01/08-2845-Conf-Red, paragraphs 10, 11, 12, and 13.

<sup>6</sup> Email from the Chamber to the prosecution of 5 November 2013 at 12.53.

<sup>7</sup> Confidential redacted version of Information on contacts of Witnesses 169 and 178 with other witnesses located [REDACTED], 7 November 2013, ICC-01/05-01/08-2827-Conf-Red.

<sup>8</sup> Defence Motion concerning "Information on contacts with witnesses 169 and 178 with other witnesses", 11 November 2013, ICC-01/05-01/08-2872-Conf.

of any requests for payments or other benefits and all details and dates of the payments or benefits provided by the prosecution, the VWU, or the Registry, to Witness 169, Witness 178, or any of the 22 other individuals.<sup>9</sup>

4. On 26 November 2013, the Chamber held a confidential *ex parte*, Registry only, status conference,<sup>10</sup> in which it instructed the VWU to provide (i) a table enclosing updated information in relation to financial benefits allocated to the 22 Individuals;<sup>11</sup> (ii) a report containing the history of the situation of Witnesses 169 and 178;<sup>12</sup> and (iii) a summary of this report containing information that could be shared with the parties.<sup>13</sup>
  
5. On 29 November 2013, the VWU filed its confidential *ex parte*, VWU only, “Victims and Witnesses Unit’s Report in relation to the Defence Motion ICC-01/05-01/08-2872-Conf pursuant to the Status Conference held on 26 November 2013” (“VWU Report 2912”) together with confidential *ex parte*, VWU only, Annexes A, B, and C.<sup>14</sup> On 6 December 2013, further to the Chamber’s instruction,<sup>15</sup> the VWU filed a confidential *ex parte* addendum to Annex C,<sup>16</sup> entitled Annex D, containing information provided in

<sup>9</sup> ICC-01/05-01/08-2872-Conf, paragraph 50.

<sup>10</sup> Order convening a confidential *ex parte*, Registry only, status conference, 21 November 2013, ICC-01/05-01/08-2904; transcript of hearing of 26 November 2013, ICC-01/05-01/08-T-358-CONF-EXP-ENG ET.

<sup>11</sup> ICC-01/05-01/08-T-358-CONF-EXP-ENG ET, page 23, line 18 to page 24, line 14.

<sup>12</sup> ICC-01/05-01/08-T-358-CONF-EXP-ENG ET, page 22, lines 5 to 18

<sup>13</sup> ICC-01/05-01/08-T-358-CONF-EXP-ENG ET, page 27, lines 11 to 14.

<sup>14</sup> Confidential, *ex parte*, VWU only Victims and Witnesses Unit’s Report in relation to the Defence Motion ICC-01/05-01/08-2872-Conf pursuant to the Status Conference held on 26 November 2013, 29 November 2013, ICC-01/05-01/08-2912-Conf-Exp with confidential *ex parte* Annexes A, B, and C. Annexes A, B and C respectively provide the information requested by the Chamber during the status conference as set out in paragraph 12(i), (ii) and (iii) above.

<sup>15</sup> Email from the Chamber to the VWU on 3 December 2013 at 15.53.

<sup>16</sup> Confidential, *ex parte*, VWU only Addendum to “Annex C to Victims and Witnesses Unit’s Report in relation to the Defence Motion ICC-01/05-01/08-2872-Conf pursuant to the Status Conference held on 26 November 2013” (ICC-01/05-01/08-2912-Conf-Exp-AnxC), 6 December 2013, ICC-01/05-01/08-2917-Conf-Exp.

Annex B which the Chamber considered to be potentially “material to the preparation of the defence”.<sup>17</sup>

6. On 18 December 2013, the Chamber issued its “Decision on ‘Defence Motion concerning ‘Information on contacts [of] Witnesses 169 and 178 with other witnesses’”,<sup>18</sup> in which it, *inter alia*: (i) granted the defence’s request for disclosure of a lesser redacted version of the Prosecution’s Information; (ii) ordered the prosecution to file, by 13 January 2014, a lesser redacted version of the Prosecution’s Information in accordance with the Chamber’s directions; (iii) ordered the prosecution to formally disclose, by 13 January 2014, the lesser redacted versions of the 7 and 10 June 2013 Letters in accordance with the eCourt protocol; (iv) ordered the Registry to reclassify the VWU Report 2912, and its Annexes A, C, and D, as confidential; and (v) decided that any applications by the participants for the admission into evidence of these documents were to be submitted by 20 January 2014.<sup>19</sup>
  
7. On 18 December 2013, the Registry reclassified VWU Report 2912, along with its corresponding Annexes A, C, and D, as confidential.<sup>20</sup> On 9 January 2014, the prosecution filed a lesser redacted version of the Prosecution’s Information as confidential redacted.<sup>21</sup>

<sup>17</sup> ICC-01/05-01/08-2912-Conf-Exp-AnxD. Pursuant to the Decision on “Defence Motion concerning ‘Information on contacts [of] Witnesses 169 and 178 with other witnesses’”, 18 December 2013, ICC-01/05-01/08-2924-Conf, the document was reclassified as confidential.

<sup>18</sup> ICC-01/05-01/08-2924-Conf.

<sup>19</sup> ICC-01/05-01/08-2924-Conf, paragraph 38.

<sup>20</sup> ICC-01/05-01/08-2912-Conf and confidential Annexes A, C, and D.

<sup>21</sup> ICC-01/05-01/08-2827-Conf-Red2, ICC-01/05-01/08-2827-Conf-AnxA-Red2, and ICC-01/05-01/08-2827-Conf-AnxB-Red2.

8. On 20 January 2014, the defence filed its “Defence Motion for the Admission of Documents related to Witness 169 and Witness 178” (“Defence Request”),<sup>22</sup> in which it requests that the Chamber (i) order the formal disclosure in accordance with the eCourt protocol of the 7 June and 10 June 2013 Letters and Annexes A, C, and D of VWU Report 2912, and (ii) admit into evidence the same.<sup>23</sup> The defence submits that “[d]ocuments and records pertaining to the payment and benefits provided to Prosecution witnesses have been deemed admissible as evidence before the [Court] and other international tribunals”.<sup>24</sup> The defence stresses that Trial Chamber I admitted evidence of receipts, disbursements and payments provided to witnesses called by the prosecution and relied on these documents in their assessment of the credibility of witnesses in the judgment.<sup>25</sup> The defence also highlights similar practices from other international courts and tribunals.<sup>26</sup> Lastly, the defence submits specific arguments in support of its assertion that each of the documents it tenders is admissible according to the three-part admissibility test.<sup>27</sup>

9. No response was filed to the Defence Request.

10. On 20 January 2014, the prosecution disclosed the 7 and 10 June 2013 Letters to the defence, in accordance with the eCourt Protocol.<sup>28</sup> The 7 June

<sup>22</sup> Defence Motion for the Admission of Documents related to Witness 169 and Witness 178, 20 January 2014, ICC-01/05-01/08-2939-Conf.

<sup>23</sup> ICC-01/05-01/08-2939-Conf, paragraph 19 and pages 18 to 19.

<sup>24</sup> ICC-01/05-01/08-2939-Conf, paragraph 20.

<sup>25</sup> ICC-01/05-01/08-2939-Conf, paragraph 20.

<sup>26</sup> ICC-01/05-01/08-2939-Conf, paragraphs 21 to 23.

<sup>27</sup> ICC-01/05-01/08-2939-Conf, paragraphs 26 to 36.

<sup>28</sup> Prosecution’s Communication of Rule 77 Evidence Disclosed to the Defence on 20 January 2014, 20 January 2014, ICC-01/05-01/08-2941-Conf, paragraph 2.

2013 Letter was assigned ERN CAR-OTP-0072-0504\_R01 and the 10 June 2013 Letter was assigned ERN CAR-OTP-0072-0508\_R01.

## II. Analysis

11. In accordance with Article 21(1) of the Rome Statute ("Statute"), in making its determination, the Chamber has considered Articles 64(2) and (9)(a), 67, 68, and 69 of the Statute, and Rules 63 and 64 of the Rules.
12. The Chamber recalls its general approach to the admission of evidence. In particular, for an item to be admitted into evidence it must satisfy the three-part test under which it must (i) be relevant to the case; (ii) have probative value; and (iii) be sufficiently relevant and probative as to outweigh any prejudicial effect its admission may cause.<sup>29</sup> Further, the Chamber underlines once more that its determination on the admissibility into evidence of an item has no bearing on the final weight to be afforded to it, which will only be determined by the Chamber at the end of the case when assessing the evidence as a whole.<sup>30</sup>
13. As a preliminary matter, the Chamber notes the defence's submission that it has not received formal disclosure by the prosecution of the 7 June and 10 June 2013 Letters.<sup>31</sup> In this regard, the Chamber notes that both documents were formally disclosed by the prosecution on 20 January

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<sup>29</sup> First decision on the prosecution and defence requests for the admission of evidence, 15 December 2011, ICC-01/05-01/08-2012-Red, paragraphs 13 to 16; and Public Redacted Version of "Decision on the Prosecution's Application for Admission of Materials into Evidence Pursuant to Article 64(9) of the Rome Statute" of 6 September 2012, ICC-01/05-01/08-2299-Red, paragraphs 7 to 9.

<sup>30</sup> ICC-01/05-01/08-2012-Red, paragraph 18; and ICC-01/05-01/08-2299-Red, paragraph 11.

<sup>31</sup> ICC-01/05-01/08-2939-Conf, paragraph 17.



2014.<sup>32</sup> While this formal disclosure was made after the deadline set by the Chamber of 13 January 2014,<sup>33</sup> considering that the documents were notified to the defence on 9 January 2013,<sup>34</sup> the Chamber is of the view that no prejudice was caused by the delay in the formal disclosure of the documents. Accordingly, the Chamber considers the defence's request that the Chamber order the disclosure of the 7 June and 10 June 2013 Letters to have become moot.

*7 June and 10 June 2013 Letters*

14. The defence requests the admission of the 7 June 2013 Letter and the 10 June 2013 Letter, which have respectively been assigned the ERNs **CAR-OTP-0072-0504\_R01 (Confidential)** and **CAR-OTP-0072-0508\_R01 (Confidential)**.
15. The defence argues that the 7 and 10 June 2013 Letters (i) are relevant to the credibility of the evidence that Witness 169 gave before the Chamber, since the items "demonstrate an expectation on the part of Witness 169 of significant financial and material benefits resulting from his association with the Court";<sup>35</sup> (ii) are relevant to the credibility of "any other of the 22 witnesses who are seeking or sought a financial benefit from their testimony";<sup>36</sup> (iii) are relevant "in revealing contact between Prosecution witnesses, in apparent breach [of] orders for protective measures that

<sup>32</sup> ICC-01/05-01/08-2941-Conf-AnxA.

<sup>33</sup> ICC-01/05-01/08-2924-Conf, paragraph 38 (iv).

<sup>34</sup> See paragraph 7 of the present Decision.

<sup>35</sup> ICC-01/05-01/08-2939-Conf, paragraph 26.

<sup>36</sup> ICC-01/05-01/08-2939-Conf, paragraph 27.

require [REDACTED] ”;<sup>37</sup> (iv) are “corroborative of other evidence heard in the case about contact between Prosecution witnesses prior to their testimony” and are suggestive of “a significant level of coordination which is relevant to the credibility of all witnesses involved”;<sup>38</sup> (v) are “relevant to the credibility of those witnesses who denied having received any payments or benefits in relation to their testimony before the Chamber; those who denied having been in contact with other Prosecution witnesses; and those who were open about such contacts” and would “assist the Chamber in evaluating the testimony of these witnesses”;<sup>39</sup> and (vi) “contain elements concerning contact between witnesses and demands for benefits which are not cumulative of other evidence heard by the Chamber”.<sup>40</sup> In addition, the defence asserts that “given that the Defence’s attempt to elicit evidence about payments to Witness 178 was prevented during his oral testimony, the admission of these documents will provide an [sic] important context for the assessment of his evidence”.<sup>41</sup>

16. With respect to the second prong of the three-part test, the defence submits that there is no dispute as to the items’ probative value or provenance as they were “produced by the Prosecution and accepted by the Defence as being authored by Witness 169”.<sup>42</sup> In addition, the defence

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<sup>37</sup> ICC-01/05-01/08-2939-Conf, paragraph 29.

<sup>38</sup> ICC-01/05-01/08-2939-Conf, paragraph 29.

<sup>39</sup> ICC-01/05-01/08-2939-Conf, paragraph 30 [footnotes omitted].

<sup>40</sup> ICC-01/05-01/08-2939-Conf, paragraph 33.

<sup>41</sup> ICC-01/05-01/08-2939-Conf, paragraph 33.

<sup>42</sup> ICC-01/05-01/08-2939-Conf, paragraph 31.

submits that the documents “exhibit sufficient indicia of reliability to warrant their admission”.<sup>43</sup>

17. In terms of the potential for the documents’ admission to cause prejudice, the defence avers that, since the letters are known to the prosecution who had “more than sufficient time to formulate a strategy in relation to their impact on the case”, neither party would be prejudiced by the items’ admission.<sup>44</sup> The defence also notes that the prosecution, in an earlier filing, “appears to have conceded that this evidence is in principle admissible, and in fact may be necessary to mitigate the impact on the fairness of the proceedings of the Chamber’s decision not to allow Witnesses 169 or 178 to give further evidence”.<sup>45</sup>

18. Finally, the defence states that the documents’ admission would “not cause any delay in the proceedings or encroach on any of the accused’s rights”.<sup>46</sup>

19. The Chamber notes that document CAR-OTP-0072-0504\_R01 is a letter dated 7 June 2013, sent by Witness 169, addressed to the Prosecutor of the ICC and allegedly copied to the President of the Court, the Presiding Judge of Trial Chamber III, the head of the VWU, [REDACTED] , as an attachment to an email of the same date.

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<sup>43</sup> ICC-01/05-01/08-2939-Conf, paragraph 31.

<sup>44</sup> ICC-01/05-01/08-2939-Conf, paragraph 32.

<sup>45</sup> ICC-01/05-01/08-2939-Conf, paragraph 32, citing ICC-01/05-01/08-2938-Conf, paragraph 28.

<sup>46</sup> ICC-01/05-01/08-2939-Conf, paragraph 33.

20. Document CAR-OTP-0072-0508\_R01 is comprised of (i) a copy of the letter dated 7 June 2013 contained in document CAR-OTP-0072-0504\_R01, and (ii) a letter dated 8 June 2013, sent by Witness 169, addressed to the Head of the VWU and allegedly copied to the President of the Court, the Prosecutor, the Presiding Judge of Trial Chamber III, [REDACTED], as an attachment to an email of 10 June 2013.

21. The Chamber notes that the 7 and 10 June Letters were sent by Witness 169 and contain, *inter alia*, (i) allegations of “outstanding claims, including loss of income” and “money promised by the Prosecutor for witnesses”,<sup>47</sup> (ii) a list of [REDACTED]<sup>22</sup> Individuals who have allegedly been contacted and gathered by Witness 178 to “look at loss of income claims and other [issues]”,<sup>48</sup> and (iii) complaints regarding his treatment by the VWU and the prosecution.

22. Recalling its position on the relevance of information pertaining to payments, benefits or other forms of assistance to the credibility of witnesses,<sup>49</sup> the Chamber considers that the 7 and 10 June Letters may potentially be of relevance to, *inter alia*, the Chamber’s assessment of the credibility of Witnesses 169 and 178.

23. With respect to probative value, in light of the fact that the documents were produced by the prosecution and accepted by the defence as letters authored by Witness 169, the Chamber sees no reason to doubt that the 7 and 10 July Letters are anything other than what they purport to be.

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<sup>47</sup> See ICC-01/05-01/08-2827-Conf-Red, paragraph 9.

<sup>48</sup> See ICC-01/05-01/08-2827-Conf-Red, paragraphs 7, 9, and 10.

<sup>49</sup> ICC-01/05-01/08-2924-Conf, paragraph 19.

24. The Chamber notes that neither the prosecution nor the legal representative of victims objected to the admission of any of the documents under consideration in the present Decision. The Chamber sees no reason to believe that the admission of the two letters would cause any prejudice to the fairness of the trial. Documents CAR-OTP-0072-0504\_R01 and CAR-OTP-0072-0508\_R01 are therefore admitted.

*Annexes A, C, and D of VWU Report 2912*

25. The defence requests the admission of Annexes A, C, and D of VWU Report 2912—i.e. documents ICC-01/05-01/08-2912-Conf-AnxA, ICC-01/05-01/08-2912-Conf-AnxC, and ICC-01/05-01/08-2912-Conf-AnxD—which it submits “must be read together to paint a complete picture of payments and benefits provided to Prosecution witnesses in the context of the present proceedings, and to provide a comparison of the payments made as between the different Prosecution witnesses”.<sup>50</sup> The defence asserts that “[n]o sensible argument can be made that the provision of amounts in the order of [REDACTED] euros is not relevant to the Chamber’s assessment of the credibility of the recipient witnesses, regardless of the weight ultimately ascribed by the Chamber in its final deliberations”.<sup>51</sup>

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<sup>50</sup> ICC-01/05-01/08-2939-Conf, paragraph 34.

<sup>51</sup> ICC-01/05-01/08-2939-Conf, paragraph 34.

26. The defence submits that there is “no dispute as to the probative value of the Annexes”, as they were produced by the VWU.<sup>52</sup>

27. In terms of the potential for the annexes’ admission to cause prejudice, the defence, noting that “[b]oth parties are able to analyse the Annexes and make any relevant submissions in their Final Trial Briefs as regards the impact of these documents on the credibility of the witnesses involved and the weight they should be ascribed by the Chamber”,<sup>53</sup> submits that no prejudice to either party would arise from the annexes’ admission. The defence also alleges that the annexes are not cumulative of other evidence and that no delay would be caused by their admission.<sup>54</sup>

28. The Chamber notes that Annex A is a table detailing the expenses paid by the VWU in accordance with Regulations 81, 82, 83, 84, 85, 86, 89, 90, and 91 of the Regulations of the Registry in relation to the 21 witnesses referred to in the 7 and 10 June Letters, including Witnesses 169 and 178. In the cover filing, the VWU explains that this table “encompasses all the payments made by the VWU to Prosecution witnesses in relation to their appearance before the Court or to support referrals introduced for their benefit. The table does not contain any financial information in relation to protective measures implemented by the VWU for the benefit of the witnesses.”<sup>55</sup> In this regard, the Chamber also notes that, according to the VWU Report, “[REDACTED]”.<sup>56</sup>

<sup>52</sup> ICC-01/05-01/08-2939-Conf, paragraph 35 (emphasis omitted).

<sup>53</sup> ICC-01/05-01/08-2939-Conf, paragraph 36.

<sup>54</sup> ICC-01/05-01/08-2939-Conf, paragraph 36.

<sup>55</sup> ICC-01/05-01/08-2912-Conf, paragraphs 1 and 7.

<sup>56</sup> ICC-01/05-01/08-2912-Conf, footnote 12.

29. Annex C is a summary of Annex B, created by the VWU for the purpose of disclosure to the participants. Annex B is a “complete report in relation to witnesses 169 and 178 containing information on VWU interaction with the two witnesses, the procedures followed and measures taken by the VWU in relation to them”.<sup>57</sup> Annex D is an addendum to Annex C and includes: (i) a table showing the financial assistance provided to Witness 169 [REDACTED], and (ii) a table showing the financial assistance provided to Witness 178 [REDACTED].<sup>58</sup>

30. The Chamber notes that Annex A details expenses paid to all witnesses [REDACTED] thereby providing context and information relevant to the allegations made in the letters. Annexes C and D provide a comprehensive account of the expenses, [REDACTED], paid to Witnesses 169 and 178. The Chamber therefore considers that this information may potentially be of relevance in assessing and contextualising the allegations made by Witness 169 in the 7 and 10 June Letters.

31. The Chamber is also of the view that there is no reason to doubt the probative value of the annexes, taking into account the fact that they were produced by the VWU.

32. The Chamber notes that neither the prosecution nor the legal representative of victims object to the admission of any of the annexes. The Chamber sees no reason to believe that the admission of these reports would have any prejudicial impact upon the fairness of the trial.

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<sup>57</sup> ICC-01/05-01/08-2912-Conf, paragraphs 5 and 7.

<sup>58</sup> ICC-01/05-01/08-2912-Conf-AnxD.

Documents ICC-01/05-01/08-2912-Conf-AnxA, ICC-01/05-01/08-2912-Conf-AnxC, and ICC-01/05-01/08-2912-Conf-AnxD are therefore admitted into evidence.

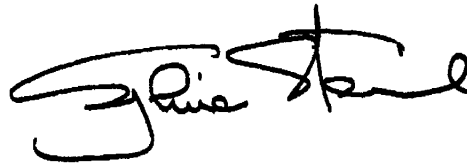
### **III. Conclusions**

33. In view of the foregoing the Chamber:

- a. ADMITS into evidence documents CAR-OTP-0072-0504\_R01, CAR-OTP-0072-0508\_R01, ICC-01/05-01/08-2912-Conf-AnxA, ICC-01/05-01/08-2912-Conf-AnxC, and ICC-01/05-01/08-2912-Conf-AnxD; and
- a. INSTRUCTS the Registry to assign ERN and EVD-T numbers thereto.



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



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**Judge Sylvia Steiner**



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**Judge Joyce Aluoch**



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**Judge Kuniko Ozaki**

**Dated this 11 December 2014**

**At The Hague, the Netherlands**