

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/05-01/08  
Date: 15 November 2013

**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**

**Prosecution's Submission on the Issue of Self Incrimination for Witness  
CAR-CHM-PPPP-0001 Called by the Chamber**

**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**

Mrs. Fatou Bensouda, Prosecutor  
Mr. James Stewart, Deputy Prosecutor  
Mr. Jean-Jacques Badibanga

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

Mr. Aimé Kilolo Musamba  
Mr. Peter Haynes

**Legal Representatives of Victims**

Ms. Marie-Edith Douzima-Lawson  
Mr. Zarambaud Assingambi

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for Participation/Reparation**

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

Ms. Paolina Massidda

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

Mr. Xavier-Jean Keita

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr. Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section Other**

1. On 2 June 2010, Trial Chamber III (“Chamber”) ordered the Office of the Prosecutor (“Prosecution”) to file submissions regarding, *inter alia*, whether any concern as to self-incrimination may arise in relation to Prosecution witnesses pursuant to Rule 74 of the Rules of Procedure and Evidence.<sup>1</sup> On 10 June 2010, the Prosecution filed its submissions stating its intention not to prosecute any of the witnesses that the Prosecution would present at trial.<sup>2</sup>

2. On 20 July 2010, the Prosecution informed the Chamber of the receipt of correspondence from the authorities of the Central African Republic and the Democratic Republic of Congo, including their assurances to witnesses testifying before this Court against possible prosecution in their national jurisdictions.<sup>3</sup>

3. On 12 October 2012, the Prosecution filed its further submission on the issue of self-incrimination. It reiterated that, “without reference or commitment regarding any possible proceedings under Article 70 of the Rome Statute against witnesses called by either party or the Court itself, should the facts warrant, the Prosecution does not currently intend to prosecute any individuals on the Defence witness list.”<sup>4</sup>

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<sup>1</sup>ICC-01/05-01/08-785, Order for the filing of submissions in preparation the commencement of the trial, 2 June 2010, para. 2 (i)

<sup>2</sup>ICC-01/05-01/08-793, The Prosecution’s submissions in preparation for the commencement of the trial, 10 June 2010, para. 13.

<sup>3</sup>ICC-01/05-01/08-835, Notification of documents communicated by the Governments of the Central African Republic and the Democratic Republic of Congo in relation to Rule 74 of the Rules of Procedure and Evidence, 20 July 2010. Pursuant to the Chamber’s instructions dated 10 October 2012, Annexes A and B to the aforementioned document, containing confidential documents from the CAR and the DRC governments, filed as Confidential, *Ex parte*, Prosecution and Defence only, were reclassified as Confidential.

<sup>4</sup> ICC-01/05-01/08-2341, Prosecution’s further submission on the issues of Self Incrimination, 12 October 2012, para. 3.

4. The Prosecution reiterates that its assurances under paragraph 3 above apply *mutatis mutandis* to witness CAR-CHM-PPPP-0001 ("CHM-01") called by the Chamber. Without reference or commitment regarding any possible proceedings under Article 70 of the Rome Statute, should the facts warrant, the Prosecution does not intend to prosecute witness CHM-01 called by the Chamber itself.

A handwritten signature in blue ink, appearing to read 'Fatou Bensouda', is written over a horizontal line.

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Fatou Bensouda, Prosecutor

Dated this 15<sup>th</sup> Day of November 2013

At The Hague, The Netherlands