

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/08**
Date: **24 October 2008**

PRE-TRIAL CHAMBER III

Before: Judge Fatoumata Dembele Diarra (Presiding Judge)
Judge Hans-Peter Kaul
Judge Ekaterina Trendafilova

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

**Public Document
With
Confidential-Prosecution and Defence Only Annex A**

**Prosecution's Communication of Incriminatory Evidence Disclosed to the Defence on 23
October 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 of Jean-Pierre Bemba

Mr Nkwebe Liriss
Mr Tjarda Eduard 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

Defence Support Section

Ms Silvana Arbia

Victims and Witnesses Unit

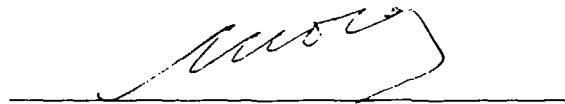
Detention Section

Victims Participation and Reparations Other Section

During the status conference held on 22 October 2008, the Defence noted that it had not been able to open documents disclosed by the Prosecution for technical reasons. In compliance with the oral order of Pre-Trial Chamber III ("the Chamber") at the status conference held on 22 October 2008, the Office of the Prosecutor ("Prosecution") herewith notifies the Chamber, that it disclosed again on 23 October 2008 to the Defence Team of Jean-Pierre Bemba Gombo, items of incriminating evidence formerly identified as Annex D3 to Document ICC-01/05-01/08-114.¹

Request for the Receipt of Annex A as Confidential- Prosecution and Defence Only

The Prosecution requests that Annex A² appended to this document, be received by the Chamber as "Confidential- Prosecution and Defence Only" because it contains redacted information relating to a witness, for whom the Chamber has granted protection.³



Luis Moreno-Ocampo, Prosecutor

Dated this 24th day of October 2008

At The Hague, The Netherlands

¹ ICC-01/05-01/08-T-8-CONF-ENG CT, p. 18, lines 3-6. The Chamber requested the Prosecution to disclose Annex D3 to Document ICC-01/05-01/08-114 on the ground that these documents were missing in the batches of documents disclosed through the Registry. The in-depth analysis of this witness as ordered by the Chamber's "Decision on the Evidence Disclosure System and Setting Timetable for Disclosure between the Parties" (ICC-01/05-01/08-55) and has already been included in ICC-01/05-01/08-130-Conf-Exp-AnxA and subsequently made available to the Defence in ICC-01/05-01/08-182-Conf-Anx1.

² Annex A is the "List of Disclosed Material" consisting of 10 items of incriminatory evidence disclosed to the Defence on 23 October 2008.

³ ICC-01/05-01/08-135-Conf.