

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/08**
Date: **18 February 2010**

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio-Benito
Judge Joyce Aluoch

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

Public Document
With Confidential, *Ex Parte*, Prosecution and Defence only Annex A
**Prosecution's Communication of Incriminating Evidence Disclosed to the Defence on 17
February 2010**

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 Gombo

Mr Nkwebe Liriss

Mr Aimé Kilolo Musamba

Legal Representatives of Victims

Ms Marie-Edith Douzima-Lawson

Legal Representatives of 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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

I. Introduction

The Office of the Prosecutor (“Prosecution”) herewith submits the report for incriminating evidence disclosed to the Defence team of Jean-Pierre Bemba Gombo on 17 February 2010, pursuant to Article 64(3)(c) of the Rome Statute. This communication is submitted in accordance with the operative disclosure regime, the Decision on the Evidence Disclosure System and Setting a Timetable for Disclosure between the Parties.¹

The disclosed evidence relates to a re-interview of Witness CAR-OTP-WWWW-0036 whose identity and prior statements have been previously disclosed. Disclosing this evidence to the Defence will provide it with adequate preparation of its defence since it will enable it to evaluate the witness’s statement in its entirety. The Prosecution submits that this disclosure is intended for the sole purpose of assisting the Defence in its preparation without infringing on the subject-matter of a pending decision on the Prosecution’s second request pursuant to Regulation 35(2) of the Regulations of the Court.²

II. Request for Confidentiality

Annex A appended herewith is the “List of Disclosed Materials” provided to the Defence. The Prosecution requests that this annex be received by Trial Chamber III as “Confidential, *Ex Parte*, Prosecution and Defence only”, as it relates to *inter partes* disclosure and contains information known to the Defence, but not to the public.



Luis Moreno-Ocampo, Prosecutor

Dated this 18th Day of February 2010
At The Hague, The Netherlands

¹ ICC-01/05-01/08-55

² ICC-01/05-01/08-673-Conf-Exp