

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **14 April 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 Pre-Inspection Report for Material Provided to
the Defence under Rule 77 on 13 April 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

1. The Office of the Prosecutor ("Prosecution"), herewith submits the pre-inspection report regarding one document disclosed to the Defence team of Mr. Jean-Pierre Bemba Gombo ("Accused") on 13 April 2010 pursuant to Rule 77 of the Rules of Procedure and Evidence.
2. This document, although not bearing on the issue of the guilt or innocence of the Accused, was made relevant by the Defence assertion that the Central African Republic ("CAR") judicial system had the ability to investigate and determine the case against the Accused.¹ As part of its Response, the Prosecution outlined the content of a letter sent by Mr. Goungaye Wanfiyo to the President of the *Cour Criminelle* of Bangui, in which he suggested a separation of the Case against Patassé et al. and pointed out that "should the ICC initiate an investigation, it would be carried out by the means that the CAR lacks".²
3. On 13 April 2010, the Defence brought it to the Prosecution's attention that the document had not been disclosed.³ On the same day, the Prosecution provided the Defence with a hard copy of the 2 page document in addition to the standard disclosure via electronic means.

Request for Confidentiality

4. Annex A appended to this communication contains the "List of Disclosed Material" provided to the Defence. The Prosecution requests that this annex be received by the Chamber as Confidential, *Ex Parte*,

¹ See, for example, paras. 91 and 93 of ICC-01/05-01/08-704.

² See ICC-01/05-01/08-739, para. 18.

³ Email sent by Mr Nkwebe Liriss to the Prosecution on 13 April 2010 at 12:49 hours.

Prosecution and Defence only, as it relates to *inter partes* disclosure of information known only to the Defence, but not to the public.⁴



Luis Moreno-Ocampo, Prosecutor

Dated this 14th Day of April 2010

At The Hague, The Netherlands

⁴ In accordance with the Chamber's order granting them access to such documents at the status conference of 8 March 2010, see ICC-01/05-01/08-T-20-CONF-ENG page 6, the Prosecution will release this document to both the Office of Public Counsel for Victims and the Legal Representatives of Victims.