

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/08**
Date: **27 October 2010**

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 Document
With Confidential Annex A**

**Prosecution's Communication of Incriminatory Evidence Disclosed to the Defence on 22
October 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

1. The Office of the Prosecutor (“Prosecution”) herewith notifies Trial Chamber III (“Chamber”) that it disclosed to the Defence team of Mr. Jean-Pierre Bemba Gombo on 22 October 2010 a one-page chart and its French translation. Inadvertently, the chart and translation were not disclosed previously; they should have been annexed to the military expert’s report that the Prosecution disclosed to the Defence on 4 October 2010.¹

2. The Prosecution is reviewing the process that produced this oversight to prevent a similar future occurrence. Moreover, despite the delay, the Prosecution submits that the information contained on the chart was previously disclosed to the Defence in other forms. In addition, it is related to the testimony of the military expert who is proposed to testify at the end of the Prosecution case, providing time to the Defence to take it into consideration.

II. Request for Confidentiality

3. 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” as it relates to confidential information that is not known to the public.²



Luis Moreno-Ocampo, Prosecutor

Dated this 27th Day of October 2010

At The Hague, The Netherlands

¹ ICC-01/05-01/08-924, Prosecution’s Communication of Incriminatory Evidence Disclosed to the Defence on 4 October 2010 Pursuant to the Trial Chamber III’s Order, 5 October 2010.

² The documents were disclosed to the Defence in compliance with the *inter partes* disclosure regime. However, the experts were jointly instructed with the Office of Public Counsel for Victims and the Legal Representatives of Victims thus the disclosed materials will be made available to them in the Ecourt system.