

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 1 November 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 26 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 eight items of incriminatory evidence to the Defence team of Mr. Jean-Pierre Bemba Gombo (“Accused”) on 26 October 2010. They include a slightly amended version of the report on gender crime and post-traumatic stress disorder (“PTSD”) with its French translation; and three annexes to the report, which are the psychological assessments of three victims of sexual violence that the expert on gender crime and PTSD conducted in the field, with their French translation.

2. The amended version of the report does not contain any substantial change compared to the report disclosed to the Defence on 4 October 2010.¹ Only a few explanatory references to the psychological assessments and minor stylistic corrections were added, for the sake of consistency and completeness.

3. The three psychological assessments attached as annexes complement the report. In line with the findings of the report, they provide specific examples of the consequences that PTSD can have on victims of sexual violence.

4. The Prosecution submits that the disclosure of the report and its annexes will not prejudice the right of the Accused to have adequate time to prepare his defence. In light of the trial date and the current order of Prosecution’s witnesses,² the Defence has been provided with these documents at least 30 days prior to the anticipated

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 ICC-01/05-01/08-975-Conf, Prosecution’s Revised Order of its Witnesses at Trial and Estimated Length of Questioning, 26 October 2010. According to the revised order, the expert on gender crime and PTSD will testify as the second Prosecution’s witness.

testimony of the expert on gender crime and PTSD, in compliance with the time limit set by the Chamber.³

II. Request for Confidentiality

5. 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.⁴



Luis Moreno-Ocampo, Prosecutor

Dated this 1st Day of November 2010

At The Hague, The Netherlands

³ ICC-01/05-01/08-928, Decision on the Prosecution’s Request for Approval of a Proposed Expert and for Extension of Time for the Submission of the Expert Report, 7 October 2010, para.14; ICC-01/05-01/08-T-30-ENG ET WT, p.18 lines 6-9: the Chamber reminded the Prosecution that the supplementary report should have been disclosed in compliance with the 30 days time limit prior to the expert’s testimony.

⁴ The documents were disclosed to the Defence in compliance with the *inter partes* disclosure regime. However, the expert on gender crime and PTSD was 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.