

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 20 December 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
pursuant to the Trial Chamber III's Order**

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

Mr Assingambi Zarambaud

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. In compliance with the order of the Trial Chamber III (“Chamber”) directing the Office of the Prosecutor (“Prosecution”) to file the expert report of Dr André Tabo by 17 December 2010,¹ the Prosecution informs the Chamber that it disclosed the report to the Defence team of Mr. Jean-Pierre Bemba Gombo on 20 December 2010. The Prosecution was unable to effect disclosure on 17 December 2010 as ordered due to the weather conditions, which resulted in the unavailability of the Defence.² This communication is submitted in accordance with the operative disclosure regime, the Decision on the Evidence Disclosure System and Setting and Timetable for Disclosure between the Parties.³

II. Request for Confidentiality

2. The Prosecution requests that Annex A, appended to this communication, be received by the Chamber as “Confidential” as it relates to confidential information that is not known to the public.



Luis Moreno-Ocampo, Prosecutor

Dated this 20th Day of December 2010

At The Hague, The Netherlands

¹ 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, at para. 15(ii).

² A meeting had been scheduled between the Defence and the Prosecution for 17 December 2010. The Defence kept the Prosecution informed of its efforts to reach the office and be available for disclosure. However, the Defence case manager thereafter informed the Prosecution that he was still in traffic and thus unable to arrive at the office. Another meeting was then scheduled for Monday, 20th December 2010.

³ ICC-01/05-01/08-55, Decision on the Evidence Disclosure System and Setting a Timetable for Disclosure between the Parties, 31 July 2008.