

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 23 September 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
Public Annex A and Confidential Annex B**

**Prosecution's Request for Approval of a Proposed Expert and for Extension of
Time for the Submission of the Expert Report**

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

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 Section **Other Participants**

1. During the status conference of 29 March 2010, Trial Chamber III (“Chamber”) issued an oral decision approving four expert witnesses to be called by the Office of the Prosecutor (“Prosecution”) at trial.¹

2. Three of the approved experts are finalizing their reports to submit them by 4 October 2010 pursuant to the Chamber’s order.² On 8 September 2010, the Prosecution received a letter from Dr. Binaifer Nowrojee in which she withdraws as an expert witness on sexual violence as a tool of war for the trial against Jean-Pierre Bemba.³

3. Following the receipt of Dr. Nowrojee’s letter, the Prosecution has identified a competent expert from the Central African Republic (“CAR”), Dr. André Tabo, who can provide expertise on sexual violence as a tool of war and the effects and impact of the acts of sexual violence on the CAR civilian population.⁴ Dr. Tabo studied general medicine in Bangui and psychiatry in Benin and France. In August 2006, he worked as a consultant for the World Health Organization and participated in the exercise of identifying victims affected by the conflict in the CAR in 2002-2003. Since 2006, in his function as a psychiatrist, he treats women affected by psychiatric and psychopathological problems due to the sexual violence suffered during the conflict in 2002-2003.

4. The Prosecution has consulted with the Legal Representatives who agree to the Prosecution’s suggestion. The Prosecution has also initiated the procedure for the inclusion of the expert in the Registry’s list of experts.

¹ ICC-01/05-01/08-T-21-ENG, pp. 20-24.

² ICC-01/05-01/08-872, Order setting deadlines for agreements as to facts and evidence and for the filing of expert reports, 6 September 2010, at para. 25.

³ The letter is appended as Annex A.

⁴ The expert’s *curriculum vitae* is attached as Annex B.

5. In the light of the above, the Prosecution requests approval of the expert to testify on sexual violence as a tool of war. Consistent with the Chamber's oral ruling of 29 March 2010, the Prosecution submits that hearing evidence on the issue of sexual violence as a tool of war "will assist the Chamber in arriving at a full understanding of the relevant factual matrix in the case and to an understanding of the nature of the charges brought against the accused"⁵.

6. The expert would be able to submit his report by the end of December 2010. In case of approval of the expert by the Chamber, the Prosecution further requests an extension of the time limit for the submission of the expert report pursuant to Regulation 35 of the Regulations of the Court.

7. The Prosecution is aware of the need to ensure expediency of the proceedings and the right of the Defence to receive the expert report well in advance of the testimony to allow for adequate preparation. The Prosecution submits that the approval of Dr. Tabo as expert witness and the submission of his report by end of December 2010 would not jeopardize the trial proceedings nor prejudice the rights of the Defence. The Prosecution reiterates that given the importance of the questions to be addressed, the expert's testimony will help the Chamber to gain a full understanding of the case. Further, the expert would testify as 15th witness at trial which will give the Defence sufficient preparation time.⁶

Request for confidentiality

8. Annex B appended to this communication contains the *curriculum vitae* of Dr Tabo. The Prosecution requests that this annex be received by the Chamber as

⁵ ICC-01/05-01/08-T-21-ENG, p. 21.

⁶ ICC-01/05-01/08-891, The Prosecution's Updated Order of Witnesses, 21 September 2010, p. 3-4.

Confidential, as it contains information concerning the above-mentioned person, which for reasons of privacy protection should not be divulged to the public.

Relief sought

9. The Prosecution hereby requests the approval of Dr. Tabo as expert witness on sexual violence as tool of war. Further, it requests the extension of time limit for the submission of the expert report to 31 December 2010.



Luis Moreno-Ocampo, Prosecutor

Dated this 23rd Day of September 2010

At The Hague, The Netherlands