

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/05-01/13

Date: 15 May 2014

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

***THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO,
FIDÈLE BABALA WANDU and NARCISSE ARIDO***

**Urgent
Confidential**

**ex parte Registry and Independent Counsel only
With Confidential ex parte annex Registry and Independent Counsel only**

**Registry submissions related to the material seized in the proceedings and
transferred by the Dutch authorities to the Registry on 13 May 2014**

Source: Registrar

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for Jean-Pierre Bemba

Counsel for Aimé Kilolo Musamba

**Counsel for Jean-Jacques Mangenda
Kabongo**

Counsel for Fidèle Babala Wandu

Counsel for Narcisse Arido

Legal Representatives of the Victims

Legal Representatives of the Applicants

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar
Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other
Independent Counsel

The Registrar of the International Criminal Court (the "Court");

NOTING the Single Judge's *"Decision appointing an Independent Counsel and taking additional measures for the purposes of the forensic acquisition of material seized in the proceedings"* dated 13 December 2013 (the "Decision");¹

NOTING rule 13 (1) of the Rules of Procedure and Evidence and regulations 23*bis* and 24*bis* of the Regulations of the Court;

CONSIDERING that the Single Judge indicated in the Decision that "it is appropriate that the procedure set forth in this decision be followed also in respect of the unsealing, forensic acquisition and review of any additional material which might have been seized for the purposes of these proceedings and which may be made available to the Court by the relevant national authorities at a later stage ("Additional Seized Material")";²

CONSIDERING that in the Decision the Single Judge decided to "to appoint the Independent Counsel tasked with "(i) being present at the unsealing and the forensic acquisition of the Seized Material, as well as of the Additional Seized Material, if any; (ii) reviewing the Seized Material, as well as the Additional Seized Material, if any, with a view to identifying any item which is privileged or otherwise obviously irrelevant for the purposes of these proceedings; (iii) promptly submitting a report to the Single Judge as to the results of such review";³

¹ ICC-01/05-01/13-41-Conf-Exp.

² ICC-01/05-01/13-41-Conf-Exp at page 5

³ ICC-01/05-01/13-41-Conf-Exp at page 6

CONSIDERING that on 13 May 2014 Registry representatives met Representatives of the Ministry of Security and Justice of the Kingdom of the Netherlands for the purpose of transfer of seized items belonging to Mr Jean Jacques Mangenda Kabongo;

CONSIDERING that for the proper discharge of his functions and pursuant to Regulation 24bis RoC, the Registrar, with a view to assisting all involved in the proceedings, submits the present document together with, in annex, a detailed *proces verbal* reporting on the meeting that took place and listing the material that was transferred;

RESPECTFULLY submits the present submissions as Confidential ex parte, as they pertain to information that is currently confidential;

RESPECTFULLY INFORMS the Chamber that the Registry stands ready to conduct the unsealing of materials transferred by the Dutch authorities in the presence of the Independent Counsel and, once done, determine if the forensic acquisition or certified copying can be done within the premises of the Court or if its acquisition needs to be outsourced.



PP _____
Marc Dubuisson, Director, Division of Court Services
on behalf of
Herman von Hebel, Registrar

Dated this 15 May 2014

At The Hague, The Netherlands