

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 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, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

**Public Document
with
Confidential Annex**

**Prosecution's Communication of Incriminatory Evidence Disclosed to the Defence
on 21 May 2014**

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

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for the Defence of Jean-Pierre Bemba

Nicholas Kaufman

Counsel for the Defence of Aimé Kilolo Musamba

Ghislain Mabanga

Counsel for the Defence of Jean – Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Göran Sluiter

Legal Representatives of Victims

Legal Representatives of 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

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

I. Introduction

1. The Office of the Prosecutor (“Prosecution”) herewith submits this Communication Report¹ regarding Incriminating evidence disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido on 21 May 2014.²

2. The disclosure was made pursuant to, and in accordance with, the Pre-Trial Chamber II’s 14 March 2014 Order extending the Confirmation of Charges proceedings to 30 June 2014³ and Rule 121(3) of the Rules of Procedure and Evidence.⁴

II. Confidentiality

3. The Prosecution requests that Annex, appended to this Report, be received as “Confidential” as it relate to evidence disclosed *inter partes* that should not be released to the public.

III. Submissions

4. The *Confidential* Annex to this Report lists evidentiary items disclosed.

¹ ICC-01/05-01/13-T-2-Red-ENG, p. 31, l. 25 - p. 32, l. 3 (“that any and all evidence disclosed for the purpose of the confirmation hearing shall be communicated to the Chamber”).

² The Prosecution requested but has not received from all Defences an indication of who has been designated to receive this disclosure. Accordingly, the Prosecution will upload the disclosed material to eCourt and will provide its physical disclosure as and when the Defences identify their respective focal points for their receipt.

³ ICC-01/05-01/13-255, p. 8.

⁴ The Prosecutor shall provide to the Pre-Trial Chamber and the person, no later than 30 days before the date of the confirmation hearing, a detailed description of the charges together with a list of the evidence which he or she intends to present at the hearing.

5. *Confidential* Annex contains Incriminating evidence, including transcripts and translations of audio files previously disclosed to the Defence as incriminatory evidence.



Fatou Bensouda, Prosecutor

Dated this 21th Day of May 2014

At The Hague, The Netherlands