

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 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 Annexes A to D

**Prosecution's Communication of Incriminatory Evidence, Rule 77 and Potentially
Exculpatory Materials Disclosed to the Defence on 28 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

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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

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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, Rule 77 and Potentially Exculpatory materials disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido on 28 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 Annexes A to D, appended to this Report, be received as “Confidential” as they relate to evidence disclosed *inter partes* that should not be released to the public.

III. Submissions

4. The *Confidential* Annexes to this Report list 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 Pre-Trial Chamber II 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* Annexes A and B contain Incriminating evidence, including: (i) audios of intercepted communication; (ii) items obtained from Narcisse Arido's computer and Fidèle Babala's iPad; (iii) Prosecution Extraction Reports regarding Arido's and Babala's telephone SIM cards; (iv) transcripts and/or translations of audio files previously disclosed to the Defence as incriminating evidence; and (v) registered ICC-01/05-59-Conf filing and its annexes, in both English and French, to which the Defence was provided access on 16 May 2014.⁵

6. *Confidential* Annex C contains Rule 77 material, including: (i) items obtained from Arido's computer; (ii) witness summaries; and (iii) supporting documents received from State authorities in response to the Prosecution's request for assistance.

7. *Confidential* Annex D contains Potentially Exculpatory evidence, comprising of items obtained from Arido's computer.



Fatou Bensouda, Prosecutor

Dated this 28th Day of May 2014

At The Hague, The Netherlands

⁵ ICC-01/05-01/13-399-Conf.