

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 June 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

with

Confidential Annexes A and B

**Prosecution's Communication of Incriminatory Evidence and Rule 77 Materials
Disclosed to the Defence on 9 June 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 and Rule 77 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 9 June 2014.²

2. The disclosure was made pursuant to, and in accordance with, the Pre-Trial Chamber II’s 28 May 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 and B, 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.

5. *Confidential* Annex A contains Incriminating evidence, including: (i) summaries of Defence witnesses in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Main

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 materials to eCourt and will provide their physical disclosure as and when the Defences identify their respective focal points for their receipt.

³ ICC-01/05-01/13-443, p. 5.

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.

Case"); (ii) items obtained from Narcisse Arido's computer; (iii) Prosecution Extraction Report regarding Arido's telephone SIM cards; (iv) transcripts and/or translations of audio files previously disclosed to the Defence as incriminating evidence; and (v) the third report of the Independent Counsel⁵ and its Annex⁶.

6. *Confidential* Annex B contains Rule 77 materials, including call data records.



Fatou Bensouda, Prosecutor

Dated this 9th Day of June 2014

At The Hague, The Netherlands

⁵ ICC-01/05-01/13-421-Conf.

⁶ ICC-01/05-01/13-421-Conf-Anx.