

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 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 Annex**

**Prosecution's Communication of Incriminatory Evidence Disclosed to the Defence
on 20 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

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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 disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido on 20 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 the Annex to this Report be received as “Confidential”, as it relates to evidence disclosed *inter partes* that should not be released to the public.

III. Submissions

4. *Confidential* Annex to this Report lists evidentiary items disclosed, which comprise Incriminating evidence, including: (i) material related to witnesses P-0245 and P-0260, in accordance with the Order of the Single Judge;⁵ (ii) summaries of Defence witnesses’ expected testimonies in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Main Case”); (iii) transcripts and/or translations of audio files previously

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 Not all Counsels were able to collect the disclosure on the designated day. Accordingly, the Prosecution will upload the disclosed material to eCourt and will provide its physical disclosure at their earliest convenience.

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.

⁵ ICC-01/05-01/13-503, p. 7-8.

disclosed to the Defence as incriminating evidence; (iv) registered materials transferred by the Dutch authorities to the Registry on 13 May 2014;⁶ and (v) two audio files of intercepted communications from the Detention Unit, one of which⁷ was notified previously in the Prosecution's 28 May Communication⁸ but inadvertently not provided to the Defence because of technical problems resulting in a failure to electronically link the audio file to the corresponding call log which was disclosed. However, the Prosecution notes that the Defence has had access to this audio file via TRIM link since 20 May 2014.⁹



Fatou Bensouda, Prosecutor

Dated this 20th Day of June 2014

At The Hague, The Netherlands

⁶ ICC-01/05-01/13-403.

⁷ CAR-OTP-0079-1327.

⁸ ICC-01/05-01/13-442.

⁹ ICC-01/05-01/13-409.