

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 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 27 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 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

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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 its 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 27 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 Annexes A and B 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. Confidential Annex A to this filing lists the disclosed incriminating evidence, including: (i) material related to a witness, in accordance with the Order of the Single Judge;⁵ (ii) handwritten notes of a witness and its e-court screenshot; (iii) items from

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-01/05-01/13-443, 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-01/05-01/13-516.

the suspects' seized materials; (iv) filings in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* ("Main Case"); (v) transcripts and/or translations of audio files previously disclosed to the Defence as incriminating evidence; (vi) open source materials; (vii) five items transferred by the Dutch authorities, (viii) one registered audio file of intercepted communications from the Detention Unit.

5. *Confidential* Annex B to this filing lists the disclosed Rule 77, including: (i) material related to the suspects' seized materials; and (ii) a Prosecution investigator's report and its annex.



Fatou Bensouda, Prosecutor

Dated this 27th Day of June 2014

At The Hague, The Netherlands