



Original: English

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

Date: 15/07/2014

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Cuno Tarfusser
Judge Christine Van den Wyngaert

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO,
AIMÉ KILOLO MUSAMBA,
JEAN-JACQUES MANGENDA KABONGO,
FIDÈLE BABALA WANDU
& NARCISSE ARIDO**

**Public Document
with Confidential Annex A**

**Defence Communication of Rule 78 Evidence Disclosed to the Parties
on 15 July 2014**

Source: Defence for Mr. Jean-Pierre Bemba Gombo

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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Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Göran Sluiter

Legal Representatives of the Victims	Legal Representatives of the Applicants
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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr. Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

I. Introduction

1. The Defence for Jean-Pierre Bemba Gombo (the “**Suspect**”) (the “**Defence**”) herewith submits its communication¹ disclosed to the Office of the Prosecutor and the defence of the Suspect’s co-accused in case ICC-01/05-01/13.

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 2014² as well as Article 61(6) of the Rome Statute and Rule 78 of the Rules of Procedure and Evidence.³

II. Confidentiality

3. The Defence requests that the Annex to this communication be received and marked as “confidential”, as it relates to evidence disclosed *inter partes* that should not be released to the public.

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

² ICC-01/05-01/13-443, p. 5.

³ See Annex A hereto.

III. Submissions

4. Confidential Annex A attached hereto thus contains the Defence list of evidence, including: (i) material related to the Suspect; (ii) material related to the Suspect's seized materials; (iii) open source material. For the avoidance of doubt, it is clarified that the Suspect has waived privilege with respect to those items seized from his cell at the detention centre and hereby disclosed.



Nicholas Kaufman

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Jerusalem, Israel

Tuesday, July 15, 2014