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

Date: 17 July 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, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA
WANDU AND NARCISSE ARIDO**

Public with Confidential Annexes A, B, C and D

**Narcisse Arido's Notification on Two Documents Disclosed to the Parties on
15 July 2014 and Communication of Rule 78 Disclosure**

Source: Counsel for Narcisse Arido

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 the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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Xavier-Jean Keïta

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Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Other

I. INTRODUCTION

1. On 15 July 2014, the Arido Defence disclosed 19 items to be included in its List of Evidence to the Prosecution and to the Defence teams of Mr. Bemba, Mr. Kilolo and Mr. Babala¹ in accordance with the Single Judge's order of 28 May 2014.²

2. The Arido Defence inadvertently disclosed two documents in an unredacted form and hereby notifies the Single Judge of the issue and measures taken as a result. In addition, the Arido Defence hereby submits a communication report on the disclosure of the redacted versions of the two documents.

II. CLASSIFICATION

3. Pursuant to Regulation 23*bis* of the Regulations of the Court ('RoC') and Regulation 24 of the Regulations of the Registry ('RoR'), Annexes A, B, C and D are filed confidentially as they relate to inter-partes communications.

III. NOTIFICATION

4. On 16 July 2014, the Arido Defence noticed that the unredacted versions of two of its list of evidence documents, CAR-D24-0001-0020 and CAR-D24-0001-0032, had inadvertently been disclosed in place of the redacted versions. It sent an email to the Parties informing them of the issue and asking them to delete any and all copies of the documents they may have.³ It also requested the Court Management Section ('CMS') to remove the said documents from e-court.⁴ The email also contained the redacted pdf versions of the two documents as attachments, under the Documents IDs CAR-D24-0001-0020-R01 and CAR-D24-0001-0032-R01.

5. On 17 July 2014, CMS informed the Arido Defence that the documents had been removed from e-court and that all accesses had been removed in Ringtail.⁵

¹ ICC-01/05-01/13-573.

² ICC-01/05-01/13-443.

³ See Confidential Annex A.

⁴ *Ibid.*

⁵ See Confidential Annex B.

IV. REPORT ON DISCLOSURE

6. On 17 July 2014, the Arido Defence formally disclosed the redacted versions of the two documents to the Prosecution and to the Defence teams of the Co-Suspects pursuant to Article 61 (6) of the Statute as well as Rules 78 and 121 (6) of the Rules of Procedure and Evidence.⁶ Confidential Annex C contains a copy of the email sent with the disclosure. The two documents are letters sent by Mr. Arido.

7. In addition, the Arido Defence requested CMS to upload the redacted versions onto e-court and to release it to the Parties and the Pre-Trial Chamber.⁷

Respectfully submitted,



Göran Sluiter, Counsel for Mr. Arido

Dated this 17th Day of July 2014

At Amsterdam, The Netherlands

⁶ The disclosure was made over email since the disclosure package only contained two documents; *see* Confidential Annex C.

⁷ *See* Confidential Annex D.