



Original: English

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

Date: 23 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 Document
With Confidential Annex 1**

**Second Registry submissions related to the material seized in the proceedings and
transferred by the Dutch authorities to the Registry on 13 May 2014**

Source: Registrar

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Counsel for Jean-Jacques Mangenda Kabongo
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Legal Representatives of the Applicants

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REGISTRY

Registrar
Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other
Independent Counsel

The Registrar of the International Criminal Court (the "Court");

NOTING the Single Judge's *"Decision appointing an Independent Counsel and taking additional measures for the purposes of the forensic acquisition of material seized in the proceedings"* dated 13 December 2013 (the "13 December Decision");¹

NOTING the *"Registry submissions related to the material seized in the proceedings and transferred by the Dutch authorities to the Registry on 13 May 2014"* dated 15 May 2014;²

NOTING the Single Judge's *"Decision on the reclassification and filing into the record of material provided by the Dutch judicial authorities"* dated 16 May 2014 (the "16 May Decision");³

NOTING rule 13 (1) of the Rules of Procedure and Evidence and regulations 23*bis* and 24*bis* of the Regulations of the Court;

CONSIDERING that the Single Judge indicated in the Decision that "it is appropriate that the procedure set forth in this decision be followed also in respect of the unsealing, forensic acquisition and review of any additional material which might have been seized for the purposes of these proceedings and which may be made available to the Court by the relevant national authorities at a later stage ("Additional Seized Material")";⁴

CONSIDERING that in the 13 December Decision the Single Judge decided "to appoint the Independent Counsel tasked with "(i) being present at the unsealing and

¹ ICC-01/05-01/13-41-Conf-Exp.

² ICC-01/05-01/13-400 and its annex

³ ICC-01/05-01/13-403

⁴ ICC-01/05-01/13-41-Conf-Exp at page 5

the forensic acquisition of the Seized Material, as well as of the Additional Seized Material, if any; (ii) reviewing the Seized Material, as well as the Additional Seized Material, if any, with a view to identifying any item which is privileged or otherwise obviously irrelevant for the purposes of these proceedings; (iii) promptly submitting a report to the Single Judge as to the results of such review";⁵

CONSIDERING that on 16 May Decision the Single Judge indicated that "there is a number of outstanding requests relating to the implementation of the procedure set forth in the 13 December 2013 Decision in respect of the acquisition of other seized items, and that it is therefore appropriate to suspend the forensic acquisition of the items seized from Jean Jacques Mangenda by the Dutch authorities, until those requests have been decided upon";

CONSIDERING that the requests referenced above are no longer pending and have been decided upon;

REPORTS as follows:

1. On 10 July 2014 the Registry in the presence of Counsel for Mr Mangenda and Independent Counsel proceed to unseal the 15 envelopes transmitted by the Dutch authorities.
2. The envelopes contained documentary material and certified copies were made in the presence of Independent Counsel between 10 and 17 July 2014.
3. In one of the envelopes an electronic storage device was found inside a sealed bag. The bag was unsealed in the presence of Independent Counsel and

⁵ ICC-01/05-01/13-41-Conf-Exp at page 6

Registry proceeded to the forensic acquisition of the electronic item. The item was forensically acquired on 21 July 2014.

4. All documentary material copied and extracted data from the electronic storage device was made available to the Independent Counsel pursuant to the 13 December Decision on 17 and 23 July 2014.
5. Annex 1 to the present document is a detailed *procès verbal* reporting the unsealing, copying and acquisition process that took place.

RESPECTFULLY submits the annex to the present submissions as Confidential, as it contains information that is currently confidential;



Marc Dubuisson, Director, Division of Court Services
on behalf of
Herman von Hebel, Registrar

Dated this 23 July 2014

At The Hague, The Netherlands