

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 10 February 2015

TRIAL CHAMBER VII

Before: Judge Olga Herrera Carbuccion
Judge Robert Fremr
Judge Chile Eboe-Osuji

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 Redacted Document
With
Confidential Annexes A to C**

**Public Redacted version of “Addendum to Prosecution’s request to refer
potentially privileged materials to Independent Counsel”, 15 April 2014, ICC-
01/05-01/13-341-Conf**

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

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

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”) hereby submits this Addendum to its 2 April request to refer potentially privileged materials to an independent counsel (“Request”).¹ Principally, the Addendum comprises: (1) four photographs of the DVDs containing the suspects’ email accounts showing their current condition and the packaging seal intact; and (2) the documents furnished by the French authorities in executing the Prosecution’s Request for Assistance, which indicate the content of the respective DVDs. This additional information will obviate any misapprehension of the Request by the parties or the Chamber.

II. Confidentiality

2. This filing is classified as “Confidential” as it refers to a filing of the same designation and to material not yet available to the public. A Public redacted version will be filed.

III. Submissions

3. The Request recites the Prosecution’s receipt of two DVDs from the French authorities in late March 2014 containing the email accounts of suspects Kilolo, Mangenda, Babala and Arido, noting the preservation of these DVDs in their original packaging with its seal intact.² *Confidential* Annex A attaches four photographs of the DVDs taken by Prosecution Investigator [REDACTED] on 10 April 2014. The photos show the DVDs’ packaging with its red wax seal intact, as the Request describes. Investigator [REDACTED] Report concerning his observations on the condition of the DVDs is attached at *Confidential* Annex B, and sets out further details.

¹ ICC-01/05-01/13-310-Conf and ICC-01/05-01/13-310-Red (“Request”).

² ICC-01/05-01/13-310-Conf, paras. 1, 6, 7 and 9.

4. *Confidential* Annex C contains the documentation received from the French authorities accompanying the DVDs. It is on this information that the Prosecution relies concerning the contents of the DVDs referred to in the Request.³

IV. Requested Relief

5. Upon the foregoing, the Prosecution respectfully requests that the Chamber receive and consider this Addendum in determining the Request.



Fatou Bensouda, Prosecutor

Dated this 10th Day of February 2015
At The Hague, The Netherlands

³ See ICC-01/05-01/13-310-Conf, paras. 1, 2 and 9.