

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 1 April 2015

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

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 Document
with
Confidential Annexes A and B**

**Prosecution's Communication of Incriminatory Evidence and Rule 77 Material
disclosed to the Defence on 1 April 2015**

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

Ms Fatou Bensouda

Mr James Stewart

Mr Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Jean –Jacques Mangenda Kabongo

Mr Christopher Michael Gosnell

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Göran Sluiter

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

Victims Participation and Reparations Section Others

I. Notification

1. The Office of the Prosecutor (“Prosecution”) submits this Communication Report regarding incriminating evidence and rule 77 material disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido on 1 April 2015.

II. Confidentiality

2. The Prosecution requests that Annexes A and B appended 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

3. *Confidential* Annex A to this filing lists the disclosed incriminating evidence, including (i) transcripts and translations of audio files previously disclosed to the Defence as incriminatory evidence;¹ (ii) audio files to which the Defence was provided access on 19 May 2014² and the corresponding transcripts and translations; and (iii) one previously disclosed transcript and translation of an audio file. The transcript and translation are being re-disclosed to correct the date.³

4. *Confidential* Annex B to this filing lists the disclosed rule 77 material, including (i) transcripts and translations of audio files previously disclosed to the Defence as rule 77 materials⁴ and (ii) a chain of custody document related to witnesses in the

¹ The original audio files were disclosed on 20 December 2013, 10 and 18 March 2014 and 28 May 2014 through Pre-Confirmation INCR packages 1, 6, 7, 12 and 13.

² ICC-01/05-01/13-409, p.8.

³ The transcript and translation were first disclosed on 20 March 2015 through Trial INCR package 21.

⁴ The original audio files were disclosed on 28 February 2014 through Pre-Confirmation INCR package 4.

Bemba case, transmitted to the Parties by the Registry, pursuant to Trial Chamber III's 23 January 2015 Decision.⁵



Fatou Bensouda, Prosecutor

Dated this 1st Day of April 2015
At The Hague, The Netherlands

⁵ ICC-01/05-01/08-3238, paras.10-11.