

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 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 30 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

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Mr James Stewart

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Mr Jean-Pierre Kilenda Kakengi Basila

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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 30 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) audio files to which the Defence was provided access on 19 May 2014¹ and the corresponding transcripts and translations, (ii) call data records (CDR), (iii) documents received from State authorities in response to Requests for Assistance; (iv) open source materials; and (v) items previously disclosed to the Defence as rule 77 materials, which are being re-disclosed as incriminating evidence.²

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 materials³, (ii) documents received from State authorities in response to Requests for Assistance, (iii) chain of custody documents related to witnesses in the

¹ ICC-01/05-01/13-409, p.8.

² These items were first disclosed on 28 February 2014, 10 March 2014, 12 May 2014 and 1 April 2015; through Pre-Confirmation Rule 77 packages 4, 5 and 9, and Trial Rule 77 package 18.

³ The original audio files were disclosed on 10 March 2014 in Pre-Confirmation Rule 77 package 5.

Main Case, transmitted to the Parties by the Registry pursuant to Trial Chamber III's 23 January 2015 Decision,⁴ and (iv) other documents related to the charges confirmed in this case.



Fatou Bensouda, Prosecutor

Dated this 30th Day of April 2015
At The Hague, The Netherlands

⁴ ICC-01/05-01/08-3238, paras.10-11.