

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 June 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 4 June 2015 and Notice to the Trial Chamber of the Implementation of the "Protocol establishing a redaction regime in the case of the Prosecutor v. Jean-Pierre Bemba Gombo, Aime Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidele Babala Wandu and Narcisse Arido" (ICC-01/05-01/13-959-Anx)

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 Charles Achaleke Taku

Mr Philippe Larochelle

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 4 June 2015. Some of these materials are being disclosed with redactions in compliance with the Protocol establishing a redaction regime in this case (“Redaction Protocol”), issued by the Trial Chamber VII on 22 May 2015.¹

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. Disclosure of evidence

3. *Confidential* Annex A to this filing lists the disclosed incriminating evidence, including (i) witnesses related materials, (ii) documents received from a State authority in response to a Request for Assistance, (iii) Forensic extraction reports regarding Arido’s emails and seized phones, (iv) Reports of the Independent Counsel and annexes recently released to the Parties pursuant to the Chamber’s Decisions,² (v) an open source document; and (vi) audio files and the corresponding transcripts and translations. The underlying audio files and log information which were previously disclosed to the Defence as rule 77³ are being re-disclosed with the disclosure classification updated.

¹ ICC-01/05-01/13-959-Anx.

² ICC-01/05-01/13-893-Red, p. 14; ICC-01/05-01/13-947, p. 20.

³ The original audio files and log information were disclosed on 10 March 2014 through Pre-Confirmation Rule 77 package 5.

4. *Confidential* Annex B to this filing lists the disclosed rule 77 material, comprising documents related to Prosecution witnesses.

IV. Notice of the implementation of the Redaction Protocol

5. The Redaction Protocol requires the disclosing party to identify the category of redactions applied to the disclosed evidence⁴ and provide pseudonyms to persons redacted under redaction categories A.2 to A.6.⁵ Although the Protocol provides that the pseudonym “will accompany the relevant redaction code(s)”⁶, it does not specify the manner in which they should be provided to the receiving party.

6. The often limited space of a redaction box cannot accommodate a redaction category code *and* descriptive pseudonym in the body of the disclosed document. Thus, to implement the Protocol, the Prosecution has indicated the redaction category in the redaction boxes, and provided for assigned pseudonyms by way of a new metadata field in the document called “ICC-01/05-01/13 – Pseudonyms”. This approach has the further advantage of centralising the relevant information in both eCourt and the Parties’ Ringtail systems, and allows the Parties to search across documents’ metadata for this information.



Fatou Bensouda, Prosecutor

Dated this 4th Day of June 2015
At The Hague, The Netherlands

⁴ ICC-01/05-01/13-959-Anx, para.11.

⁵ ICC-01/05-01/13-959-Anx, para.12.

⁶ *Ibid.*