

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 August 2015

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Single Judge

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 and Rule 77 Evidence Disclosed to
the Defence on 28 August 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 Charles Achaleke Taku

Mr Philippe Larochelle

The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
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States Representatives**Amicus Curiae****REGISTRY****Registrar**

Mr Herman von Hebel

Counsel Support Section**Victims and Witnesses Unit**

Mr Nigel Verrill

Detention Section

Victims Participation and Reparations Section	Others
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I. Notification

1. The Office of the Prosecutor (“Prosecution”) submits this Communication Report regarding incriminating and rule 77 materials disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido on 28 August 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. Disclosure of evidence

3. *Confidential* Annex A to this filing lists the disclosed incriminating evidence, which includes 10 documents containing: (i) five photographs;¹ (ii) four reports;² and (iii) one document, annex to the Independent Counsel report, released to the Prosecution on 24 July 2015, which will be added to the Prosecution’s List of Evidence.³

¹ The documents were disclosed to the Defence on 27 June 2014, Pre-Confirmation INCR Package 16. The Prosecution is re-disclosing the documents as it has corrected the metadata field “title”.

² The documents were disclosed to the Defence on 30 June 2015, Trial INCR Package 28. The Prosecution is re-disclosing the documents as it has corrected the metadata field “main date”.

³ ICC-01/05-01/13-1191.

4. *Confidential* Annex B to this filing lists the disclosed rule 77 material, which includes 74 documents containing: (i) 60 documents concerning payments made to P-0169 and P-0178;⁴ (ii) 11 Prosecution Requests for Assistance;⁵ (iii) one Investigator Report related to P-0261;⁶ (iv) one open source document;⁷ and (v) one notebook.⁸



Fatou Bensouda, Prosecutor

Dated this 28th Day of August 2015
At The Hague, The Netherlands

⁴ The documents are being disclosed in accordance with the Trial Chamber VII's Decision ICC-01/05-01/13-1154. Redactions implemented in case ICC-01/05-01/08 have been maintained for document CAR-OTP-0083-1489. They fall under two redaction categories: (i) B.1. Recent contact information of witnesses; and (ii) A.1. Location of witness interviews/accommodation.

⁵ The documents are being disclosed in accordance with the Trial Chamber VII's Decision ICC-01/05-01/13-1148.

⁶ This document was requested by the Kilolo Defence in an e-mail correspondence to the Prosecution on 27 August 2015.

⁷ This document is a duplicate of CAR-OTP-0082-0359, which was disclosed to the Defence on 27 June 2014, Pre-Confirmation INCR Package 16.

⁸ This document was cited in the "Analysis of Codes and Terms used by the Accused", ICC-01/05-01/13-1110-Conf-AnxA.