

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 9 September 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 Annex A**

**Prosecution's Communication of Rule 77 Material Disclosed to the Defence on
9 September 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 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 9 September 2015.

II. Confidentiality

2. The Prosecution requests that Annex A appended to this Report be received as “Confidential”, as it relates to material 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 rule 77 material, which includes 84 documents containing: (i) 60 witness related expenses and five explanatory tables thereof;¹ (ii) six documents related to rule 68 certification of witnesses P-0214, P-0270, and P-0272 statements;² (iii) three documents related to Witness P-0361;³ (iv) eight Prosecution Requests for Assistance (“RFAs”) to the

¹ These documents are disclosed in accordance with the Trial Chamber VII’s Decision ICC-01/05-01/13-1172. Standard redactions have been applied in accordance with the 22 May 2015 Redaction Protocol, ICC-01/05-01/13-959-Anx.

² A.2.1. redactions have been applied to P-272’s rule 68 statement (CAR-OTP-0090-2105), in accordance with the 22 May 2015 Redaction Protocol, ICC-01/05-01/13-959-Anx.

³ These documents include instructions and a list of samples provided to Witness P-0361.

French authorities;⁴ (v) one call data record (“CDR”);⁵ and (vi) one French translation.⁶



Fatou Bensouda, Prosecutor

Dated this 9th Day of September 2015
At The Hague, The Netherlands

⁴ Note that Prosecution RFAs to the French authorities were disclosed as a courtesy, in response to Mr Arido’s request. The Prosecution does not consider that the RFAs comprise rule 77 material. But they are so designated because this is necessary to effect disclosure in accordance with the eCourt protocol.

⁵ CAR-OTP-0083-1465 is disclosed at Bemba Defence’s request. It is a duplicate of CAR-OTP-0083-1472, disclosed on 6 February 2015, Trial INCRIM package 19.

⁶ This document is a partial French translation of document CAR-OTP-0044-0071, which was submitted for admission into evidence in the “Prosecution’s Third Request for the Admission of Evidence from the Bar Table Motion”, ICC-01/05-01/13-1170-Conf-AnxA, p.46.