

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 15 October 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 Evidence and Rule 77 Material
Disclosed to the Defence on 15 October 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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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 15 October 2015.

II. Confidentiality

2. The Prosecution requests that Annexes A and B appended to this Report be received as “Confidential”, as they relate 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 incriminating evidence, which includes eight documents containing: (i) five English translations of previously disclosed audios related to Witness P-0198; and (ii) three English translations of P-0214’s prior recorded testimony, certified under rule 68 of the Rules of Procedure and Evidence.¹

4. *Confidential* Annex B to this filing lists the disclosed rule 77 material, which includes five documents containing: (i) one document containing contacts between the Prosecution and Witness P-0245;² (ii) one document relating to the rule 68

¹ The corresponding videos were disclosed on 9 September 2015, Trial Rule 77 Package 27. The transcripts and French translations were disclosed on 28 September 2015, Trial INCRIM Package 35.

² The document is disclosed in compliance with Trial Chamber VII’s Decision of 6 October 2015, ICC-01/05-01/13-1343-Conf. A courtesy copy of this document was provided to the Defence *via* email correspondence on 14 October 2015. Redactions have been applied in accordance with the 22 May 2015 Redaction Protocol, ICC-01/05-01/13-959-Anx and rule 81(1) of the Rules of Procedure and Evidence.

certification of Witness P-0264's previously recorded testimony;³ (iii) one document related to the expenses of Witness P-0264;⁴ and (iv) a transcript and French translation of P-0272's recorded interview with the Babala Defence.⁵



Fatou Bensouda, Prosecutor

Dated this 15th Day of October 2015
At The Hague, The Netherlands

³ B.1 redactions have been applied to this document, in accordance with the 22 May 2015 Redaction Protocol, ICC-01/05-01/13-959-Anx.

⁴ The document is disclosed in accordance with the Trial Chamber VII's Decision of 24 August 2015, ICC-01/05-01/13-1172.

⁵ The audio CAR-D22-0002-0006 was disclosed by the Babala Defence on 9 September 2015.