

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 22 January 2016

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 22 January 2016**

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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Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

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The Office of Public Counsel for Victims

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States Representatives

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REGISTRY

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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 22 January 2016. Some of these materials are being disclosed with redactions in compliance with the 22 May 2015 Protocol establishing a redaction regime¹ (“Redaction Protocol”).

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, comprising three English translations of previously disclosed audio files.²

4. *Confidential* Annex B to this filing lists the disclosed rule 77 material, which comprises a total of 38 documents: (i) 11 email correspondences and attachments between OTP and State authorities, which are being disclosed in compliance with Trial Chamber VII’s 12 January 2016 Decision;³ (ii) 12 emails and attachments seized from Arido’s email account;⁴ (iii) five documents related to P-0169 and P-0178;⁵ (iv)

¹ ICC-01/05-01/13-959-Anx.

² The underlying audio files CAR-OTP-0074-0976, CAR-OTP-0074-0977 and CAR-OTP-0080-1319 were disclosed on 28 February and 20 June 2014 through Pre-Confirmation INCRIM packages 5 and 15.

³ ICC-01/05-01/13-1542-Conf, para. 12.

⁴ Most of these items are disclosed for the sake of completeness, as their respective attachments or emails were previously disclosed to the Defence.

five documents received from State authorities in response to Prosecution's Requests for assistance; (v) four documents related to P-0267; and (vi) an investigator report related to P-0007.⁶



Fatou Bensouda, Prosecutor

Dated this 22nd Day of January 2016
At The Hague, The Netherlands

⁵ These documents are being disclosed at the request of the Bemba Defence. See email from the Bemba Defence sent on 21 January 2016 at 10:19.

⁶ The document was established in response to a request from the ARIDO Defence and provided to Defence via email. See Prosecution's email sent on 18 December 2015 at 16:37.