

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

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

Date: 8 July 2016

**TRIAL CHAMBER VII**

**Before:** Judge Bertram Schmitt, Presiding Judge  
Judge Marc Perrin de Brichambaut  
Judge Raul Pangalangan

**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 Redacted Document**

**with**

**Confidential, *EX PARTE*, only available to the Prosecution  
and the Registry Annex A**

**Public redacted version of the "Prosecution's Disclosure of Information pursuant  
to the "Decision on 'Narcisse Arido's Request for a disclosure order to the  
Prosecution'" (ICC-01/05-01/13-455-Conf-Exp)", 9 June 2014, ICC-01/05-01/13-473-  
Conf-Exp**

**Source:** The Office of the Prosecutor

**Document to be notified in accordance with regulation 31 of the Regulations of the Court to:**

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**Victims Participation and Reparations**

**Other**

## **I. Introduction**

1. Pursuant to the Single Judge's 3 June 2014 Decision,<sup>1</sup> the Prosecution hereby discloses to the Chamber information on its "relationship to [REDACTED], by specifically answering the First, Second and Third Questions formulated by the Defence for Mr Arido in his First Request".<sup>2</sup>

## **II. Confidentiality**

2. This filing is classified as "Confidential, *EX PARTE*, only available to the Prosecution and the Registry", as ordered by the Single Judge.<sup>3</sup> Moreover, the information in the filing concerns the identity and function of a Registry staff member.

## **III. Submissions**

### **A. First question<sup>4</sup>**

3. The Prosecution knows of [REDACTED] as a [REDACTED] staff member working at the [REDACTED]. To the Prosecution's knowledge, [REDACTED] ceased working for the [REDACTED] in or around [REDACTED]. The Prosecution has no official confirmation of this information.

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<sup>1</sup> ICC-01/05-01/13-455-Conf-Exp.

<sup>2</sup> ICC-01/05-01/13-455-Conf-Exp, p. 6.

<sup>3</sup> ICC-01/05-01/13-455-Conf-Exp, p. 6.

<sup>4</sup> "Was/is [REDACTED] working for the ICC? If so, during what period?" See ICC-01/05-01/13-413-Conf-Exp, para. 20(a).

## B. Second question<sup>5</sup>

4. The Prosecution and the Registry shared the [REDACTED] premises. Thus, Prosecution staff in [REDACTED] had contact with [REDACTED]. They interacted in relation to [REDACTED] activities concerning Prosecution witnesses in the *Bemba* case, including:

- [REDACTED].

5. Regarding specific contacts with witnesses, the Prosecution agreed with the VWU that the Prosecution would exceptionally facilitate VWU operational activities with [REDACTED]. In this context, [REDACTED] and Prosecution staff conducted joint [REDACTED] activities.

6. [REDACTED]. [REDACTED].

7. The Prosecution is unable to provide a copy of [REDACTED] contract, official assignment of tasks, evaluation of his work, or amount of payment received as he has never been a Prosecution staff member. The Registry, in particular [REDACTED], is best placed to provide to the Chamber this information.

## C. Third question<sup>6</sup>

8. The Prosecution interacted with [REDACTED] only in his capacity as a [REDACTED] staff member in the context of his regular tasks in [REDACTED]. [REDACTED].

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<sup>5</sup> “If so, could the Prosecution indicate his position and the nature of his work, in a detailed manner? Could the Prosecution further disclose to the Arido Defence any and all material in the possession of the Prosecution that relates to [REDACTED] employment with the ICC, including a working contract with the ICC, assignment of tasks, evaluation of exercise of functions, amount of payment received by [REDACTED] for his work, etc.” See ICC-01/05-01/13-413-Conf-Exp, para. 20(b).

<sup>6</sup> “If [REDACTED] was not an ICC staff or a contractor, did the Prosecutor have any contact with [REDACTED]? If so, could a copy of these communications (in a redacted version if necessary to protect the confidentiality of the Prosecution) be provided to the Arido Defence?” See ICC-01/05-01/13-413-Conf-Exp, para. 20(c).

#### IV. Conclusion

9. The Prosecution can only provide information that it has in its possession from its limited direct contact with [REDACTED], which concerned [REDACTED] issues in the *Bemba* case. The Prosecution respectfully suggests that this and other related filings should be made available to the [REDACTED], and that it should be invited to provide its observations to the Chamber regarding [REDACTED], in view of the specific questions posed by the Arido Defence.



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**Fatou Bensouda, Prosecutor**

Dated this 8<sup>th</sup> Day of July 2016  
At The Hague, The Netherlands