

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 24 January 2014

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
THE PROSECUTOR *v.* JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO,
FIDÈLE BABALA WANDU and NARCISSE ARIDO**

Public redacted version of

**Registry Report on the implementation of Decisions ICC-01/05-01/13-41-Conf-Red
and ICC-01/05-01/13-103-Conf**

Source: Registrar

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

The Office of the Prosecutor

Counsel for Jean-Pierre Bemba

Counsel for Aimé Kilolo Musamba

**Counsel for Jean-Jacques Mangenda
Kabongo**

Counsel for Fidèle Babala Wandu

Legal Representatives of the Victims

Legal Representatives of the Applicants

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar
Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Other
Independent Counsel**

The Registrar of the International Criminal Court (the "Court");

NOTING the Corrected version of the *"Registry's report on seized evidence and request for guidance on further processing"* dated 4 December 2013 (the *"Registry's Report"*);¹

NOTING that in the Registry's Report it was indicated that the material currently in the custody of the Registry was related to sealed documentary as well as electronic material seized during the searches of:

- Jean-Pierre BEMBA GOMBO's [REDACTED]

- the residence Narcisse ARIDO [REDACTED]

- the residence of Fidèle BABALA [REDACTED]

NOTING the Single Judge's *"Decision appointing an Independent Counsel and taking additional measures for the purposes of the forensic acquisition of material seized in the proceedings"* dated 13 December 2013 (the *"Decision of 13 December 2013"*);³

NOTING that in the Decision of 13 December 2013 the Single Judge decided to appoint the Independent Counsel tasked with "(i) being present at the unsealing and the forensic acquisition of the Seized Material, as well as of the Additional Seized Material, if any; (ii) reviewing the Seized Material, as well as the Additional Seized Material, if any, with a view to identifying any item which is privileged or otherwise obviously irrelevant for the purposes of these proceedings; (iii) promptly submitting a report to the Single Judge as to the results of such review";⁴

¹ ICC-01/05-01/13-27-US-Exp-Corr and confidential ex parte annexes 1 to 3.

² ICC-01/05-01/13-27-US-Exp-Corr and confidential ex parte annexes 1 to 3.

³ ICC-01/05-01/13-41-Conf-Red

⁴ ICC-01/05-01/13-41-Conf-Red

NOTING that in the Decision of 13 December 2013 the Single Judge ordered “the Independent Counsel to promptly liaise with the relevant sections of the Registry, with a view to making it possible for the unsealing, the forensic acquisition and the review of the Seized Material (as well as of the Additional Seized Material, if any) to be carried out and completed as expeditiously as feasible”;⁵

NOTING the “*Decision on ‘Demande d’autorisation d’interjeter appel contre la ‘Decision appointing an Independent Counsel and taking additional measures for the purposes of the forensic acquisition of material seized in the proceedings’ (ICC-01/05-01/13-41-Conf-Red)’*”⁶ and the “*Decision on ‘Defence request for leave to appeal decision ICC-01/05-01/13-41-Conf-Red’*”⁷ dated 18 December 2013;

NOTING the “*Decision on the requests submitted by the Defence for Mr Kilolo and the Defence for Mr Babala relating to the forensic acquisition an return of material seized in the proceedings*”⁸ dated 17 January 2014 (the “Decision of 17 January 2014”);

CONSIDERING that in the Decision of 17 January 2014, the Single Judge “orders the Registrar to proceed without undue delay to return the originals items of the seized material as soon as their forensic acquisition has been completed”;

⁵ ICC-01/05-01/13-41-Conf-Red

⁶ ICC-01/05-01/13-50-Conf

⁷ ICC-01/05-01/13-51-Conf

⁸ ICC-01/05-01/13-103-Conf

REPORTS that the Registry, in the presence of Independent Counsel, proceeded to the implementation of the Decision of 13 December 2013 and that on 14 and 15 January 2014, the Registry returned to Mr Bemba and Mr Babala the originals of material seized that have up to date been copied or forensically acquired;

REPORTS that on 17 January 2014 [REDACTED] was provided to the Independent Counsel including the electronically copied material or material forensically acquired to this date and provided Counsel [REDACTED] for the purpose of conducting the search of such material;

REPORTS that the originals of the material seized from Mr. Bemba and Mr. Babala were returned as detailed in Annex 7 to this report, with the exclusion of [REDACTED]

RESPECTFULLY submits as confidential annexes, *Ex parte* Registry and Independent Counsel only, the following reports:

Annex 1 – report on the unsealing and copying of documentary material and unsealing of part of the electronic material prior to its forensic acquisition;

Annex 2 – report on the unsealing and/or forensic acquisition of the remaining electronic material [Activity log and details of electronic devices];

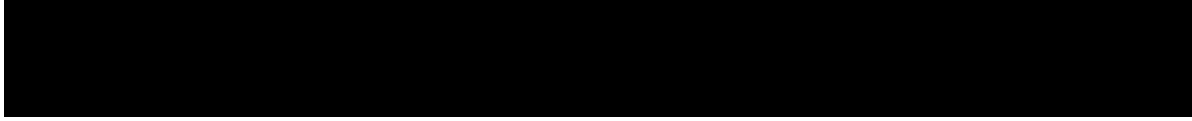
Annex 3 – chain of custody forms of Seized Material belonging to Mr Arido;

Annex 4 – chain of custody forms of Seized Material belonging to Mr Bemba;

Annex 5 – chain of custody forms of Seized Material belonging to Mr Babala;

Annex 6 – chain of custody forms of transfer and storage of certified copies and acquisition of the Seized Material;

Annex 7- chain of custody forms of return to their owners of the originals of material seized that have been copied by the Registry;



A handwritten signature in black ink, appearing to read 'p.p. Dubuisson', written over a horizontal line.

Marc Dubuisson, Director, Division of Court Services
on behalf of
Herman von Hebel, Registrar

Dated this 24 January 2014

At The Hague, The Netherlands