



Original: English

No. ICC-01/05-01/13
Date: 01 December 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 observations pursuant to Regulation 24bis of the Regulations of the Court
in response to document ICC-01/05-01/13-759-Conf**

Source: Registrar

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

The Office of the Prosecutor
Fatou Bensouda

Counsel for Jean-Pierre Bemba
Nicholas Kaufman

Counsel for Aimé Kilolo Musamba
Paul Djunga

Counsel for Jean-Jacques Mangenda Kabongo
Jean Flamme

Counsel for Fidèle Babala Wandu
Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido
Goran Sluiter

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
Xavier Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar
Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

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

NOTING the *"Corrected version of "Registry observations pursuant Regulation 24bis of the Regulations of the Court related to document ICC-01/05-01/13-234-Conf and ICC-01/05-01/13-238-Conf-Corr" (ICC-01/05-01/13-243-Conf)"* dated 20 November 2014;¹

NOTING the *"CORRIGENDUM de la Requête de M. Fidèle Babala Wandu concernant son téléphone portable saisi lors de son arrestation à Kinshasa"* dated 19 November and notified on 24 November 2014 (the "Defence's submissions");²

NOTING rule 13 (1) of the Rules of Procedure and Evidence and regulations 23bis and 24bis of the Regulations of the Court;

RESPECTFULLY submits the present submissions as confidential pursuant to regulation 23bis of the Regulations of the Court:

1. On 25 November 2013, the Registry received the items belonging to Mr Babala

[REDACTED]

[REDACTED]

2. Registry reports dated from 24 January 2014⁴, 19 February 2014⁵, 7 March 2014⁶, 10 March 2014⁷ and 27 March 2014⁸ described the process of unsealing,

¹ ICC-01/05-01/13-243-Conf-Corr

² ICC-01/05-01/13-759-Conf-Corr

³ ICC-01/05-01/13-27-US-Exp-Corr and ICC-01/05-01/13-27-US-Exp-Corr-Anx3

⁴ ICC-01/05-01/13-124-Conf

⁵ ICC-01/05-01/13-204-Conf

⁶ ICC-01/05-01/13-240-Conf

⁷ ICC-01/05-01/13-243-Conf

⁸ ICC-01/05-01/13-299-Conf

copying and forensic acquisition of the seized material belonging to Mr Babala.

3. The above mentioned reports and the accompanying chain of custody forms⁹ show that the only items belonging to Mr Babala transmitted to the Registry were:

CAR-ICC-0001-0013

- One USB pen drive SONY leather cover

CAR-ICC-0001-0014

- One iPad 64 GB [REDACTED]
- One cable/charger and one connector for iPad
- One turquoise leather cover

4. As indicated in the chain of custody forms filed in the record of the case all the seized items belonging to Mr Babala were returned to him on 14 January 2014¹⁰ and on 21 February 2014¹¹ in accordance with the Chamber's instructions¹².
5. On 20 November 2014¹³, the Registry filed a corrected version of filing ICC-01/05-01/13-243-Conf indicating that the previous version of the same filing in paragraph 10 inaccurately referred to the items as belonging to Mr Babala instead of Mr Arido.
6. The mobile phone (Samsung Blue Note) mentioned in paragraph 3 of the Defence's submissions was never transmitted to the Registry.

⁹ ICC-01/05-01/13-124-Conf -Anx1 and ICC-01/05-01/13-124-Conf -Anx5; ICC-01/05-01/13-299-Conf-Anx1; ICC-01/05-01/13-299-Conf-Anx4; ICC-01/05-01/13-299-Conf-Anx5

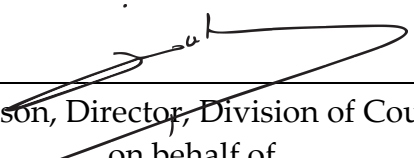
¹⁰ ICC-01/05-01/13-124-Conf-Anx7 at page 1

¹¹ ICC-01/05-01/13-240-Conf-Anx1-Red at page5

¹² ICC-01/05-01/13-103 at page 5

¹³ ICC-01/05-01/13-243-Conf-Corr

7. The Registry reports dated from 27 March¹⁴ and 31 March 2014¹⁵ referred to the mobile phones which were transmitted to the Registry, and subsequently to the NFI. These phones were the property of Mr Arido and none of them was a Samsung Blue Note.



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

Dated this 01 December 2014

At The Hague, The Netherlands

¹⁴ ICC-01/05-01/13-299-Conf

¹⁵ ICC-01/05-01/13-304-Conf