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Date: 17 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 Document  
With Confidential Annex A**

**Prosecution's Communication of Incriminatory Evidence Disclosed to the Defence  
on 17 January 2014**

**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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**Legal Representatives of Victims**

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Victims**

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

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**Amicus Curiae**

**REGISTRY**

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**Registrar**

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**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. Introduction

1. The Office of the Prosecutor ("Prosecution") herewith submits the report for Incriminating evidence disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo and Fidèle Babala Wandu on 17 January 2014.<sup>1</sup> This communication report accounts for two 15 January 2014 Decisions of the Single Judge of Pre-Trial Chamber II ("Single Judge"), respectively ordering: (1) disclosure of one document containing authorised redactions<sup>2</sup>; and (2) disclosure of "the audio files of all the conversations referred to in Annex I.1 to the Prosecutor's Application under article 58."<sup>3</sup>

2. The report is submitted in accordance with the Single Judge's order "that any and all evidence disclosed for the purpose of the confirmation hearing shall be communicated to the Chamber".<sup>4</sup>

## II. Request for Confidentiality

3. The Prosecution requests that Annex A, appended to this communication report, be received by the Single Judge as "Confidential" as it relates to confidential evidence disclosed *inter partes* that should not be released to the public.

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<sup>1</sup> For those Counsel who were unable to provide the Prosecution with a focal point for the receipt of the referenced disclosure today, these materials will be uploaded to eCourt and Counsel notified accordingly.

<sup>2</sup> ICC-01/05-01/13-98, Decision on the "Prosecution's Application for Redactions pursuant to Rule 81(2) of the Rules of Procedure and Evidence", 15 January 2014, page 10 ("First Decision").

<sup>3</sup> ICC-01/05-01/13-99, Decision on the "*Requête en communication de la version originale des enregistrements sonores et des entretiens téléphoniques visés par le Procureur dans la pièce ICC-01/05-01/13-19-Conf-AnxI.1*" submitted by the Babala Defence, 15 January 2014, page 5 ("Second Decision").

<sup>4</sup> ICC-01/05-01/13-T-2-CONF-ENG ET, page 31, line 25 to page 32, line 3.

### III. Submissions

4. Annex A lists the incriminatory evidence disclosed to all four Defence teams, as noted. This consists of one redacted document, three audio files and three corresponding excel sheets containing relevant metadata. Out of the four audio files identified in the Single Judge's Second Decision,<sup>5</sup> reference 2013/000043802 contains a typographical error inverting two numbers; the correct reference is 2013/000034802, which was disclosed. Due to a technical problem, however, the remaining three audio files (2013/000045759, 2013/000031430 and 2013/000045783) and their corresponding metadata sheets (2013/000045758, 2013/000031429 and 2013/000045782) were not transferred from the Registry TRIM folder into the Prosecution's Ringtail database for disclosure.



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Fatou Bensouda, Prosecutor

Dated this 17<sup>th</sup> January 2014  
At The Hague, The Netherlands

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<sup>5</sup> See Second Decision, at page 4.