



Original: **English**

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

Date: **10 March 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 Annexes A and B**

**Prosecution's Communication of Incriminatory Evidence and Rule 77 Materials
Disclosed to the Defence on 10 March 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

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Ghislain Mabanga

Catherine Mabilie

Counsel for Jean-Jacques Mangenda

Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Legal Representatives of Victims

Legal Representatives of 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

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Office of the Prosecutor (“Prosecution”) herewith submits this Communication Report¹ regarding Incriminating and Rule 77 evidence disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo and Fidèle Babala Wandu on 10 March 2014.²

2. The disclosure was made pursuant to, and in accordance with, the Chamber’s 4 December Order,³ 28 January Decision,⁴ and 31 January Decision.⁵ Additionally, the Prosecution disclosed Rule 77 materials to the Defence teams, in accordance with its on-going obligations.

II. Request for Confidentiality

3. The Prosecution requests that Annexes A and B, appended to this Report, be received as “Confidential” as they relate to evidence disclosed *inter partes* that should not be released to the public.

¹ ICC-01/05-01/13-T-2-RED-ENG, 4 December 2013, p. 31, line 25 to p. 32, line 3 (“that any and all evidence disclosed for the purpose of the confirmation hearing shall be communicated to the Chamber”).

² The Prosecution requested but has not received from all Defences an indication of who has been designated to receive this disclosure. Accordingly, the Prosecution will upload the disclosure of Incriminating material to eCourt and will provide the physical disclosure of incriminating and Rule 77 materials as and when the Defences identify their respective focal points for their receipt.

³ ICC-01/05-01/13-T-2-RED-ENG, p. 31 (establishing the pre-confirmation disclosure schedule).

⁴ ICC-01/05-01/13-135, Decision on the "Prosecution's notice of receipt of communication from Dutch authorities concerning seized material" and related filings, 28 January 2014, p. 6 (clarifying that “the final date for the Prosecutor to communicate the evidence on which she intends to rely for the confirmation is 18 March 2014”).

⁵ ICC-01/05-01/13-142, Decision on the "Prosecution's request pursuant to regulation 35 of the Regulations of the Court for variation of time limit for disclosure", 31 January 2014, p. 4 (Extending the applicable disclosure deadline for "newly obtained" material to 18 March 2014).

III. Submissions

4. The *Confidential Annexes* to this Report list evidentiary items disclosed to all four Defence teams.

5. *Confidential Annex A* includes (i) items seized from Narcisse Arido received on 29 January 2014 through the Registry, (ii) written statements of Narcisse Arido and other items collected by the Prosecution after 31 January 2014. It also includes audio files that the Prosecution intends to rely on during the confirmation hearing.

6. *Confidential Annex B* contains items falling under Rule 77. These include audio files and corresponding Excel sheets containing relevant metadata as well as documents related to Narcisse Arido and Fidèle Babala.



Fatou Bensouda, Prosecutor

Dated this 10th day of March 2014

At The Hague, The Netherlands