

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 24 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, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

**Public Document
with
Confidential Annexes A to C**

**Prosecution's Communication of Incriminatory Evidence, Rule 77 and Potentially
Exculpatory Material Disclosed to the Defence of Narcisse Arido on 24 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

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Legal Representatives of Applicants

Unrepresented Victims

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REGISTRY

Registrar

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Others

I. Introduction

1. The Office of the Prosecutor (“Prosecution”) herewith submits this Communication Report ¹ regarding Incriminating, Rule 77 and potentially exculpatory evidence disclosed to the Defence team of Narcisse Arido on 24 March 2014 through the Office of Public Counsel for the Defence (OPCD).²

2. On 20 March 2014, the Single Judge of the Pre-Trial Chamber II (“Single Judge”) ordered the Prosecution “to disclose to the suspect and to put him up-to-date for the confirmation phase together with the other suspects all evidence until today disclosed to the other suspects”.³

II. Request for Confidentiality

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

III. Submissions

4. The *Confidential* Annexes to this Report list evidentiary items already disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo and Fidèle Babala Wandu, respectively and which have now been disclosed to the Arido Defence.

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 ICC-01/05-01/13-T-4-Red-ENG, 20 March 2014, p. 10, lines 21 to 23 (“ask the Prosecution to disclose the material always by Monday to the OPCD and then it is up to the OPCD to further transfer the materials to the counsel which will be appointed (...) in due course”).

³ ICC-01/05-01/13-T-4-Red-ENG, 20 March 2014, p. 6, lines 15 to 17.

5. *Confidential Annex A* includes 1190 items previously disclosed to the other suspects on 20 December 2013, 16 and 31 January, 11 and 28 February, 10 and 18 March 2014.⁴

6. *Confidential Annex B* contains 1108 items falling under Rule 77, disclosed to the other suspects on 20 December 2013, 31 January, 14 and 28 February, 10 and 18 March 2014.⁵

7. *Confidential Annex C* contains potentially exculpatory evidence, including 13 items disclosed to the other suspects on 28 February and 18 March 2014.⁶



Fatou Bensouda, Prosecutor

Dated this 24th Day of March 2014
At The Hague, The Netherlands

⁴ See Pre-Confirmation INCRIM Packages 1 to 7.

⁵ See Pre-Confirmation Rule 77 Packages 1 to 6.

⁶ See Pre-Confirmation PEXO Packages 1 and 2.