

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 11 April 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 Materials disclosed to the Defence on 11 April 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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## I. Introduction

1. The Office of the Prosecutor (“Prosecution”) herewith submits this Communication Report <sup>1</sup> regarding Incriminating, Rule 77 and potentially exculpatory evidence disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido on 11 April 2014.<sup>2</sup>

2. The disclosure was made pursuant to, and in accordance with, the Single Judge’s 4 April Decision, ordering the Prosecutor to *“to disclose to the Defence, no later than Friday 11 April 2014, the documents contained in Annexes B, C and D to her Application with the redactions granted.”*<sup>3</sup>

## 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 the evidentiary items disclosed.

5. *Confidential* Annex A includes documents related to Narcisse Arido, namely (i) items obtained from his email account received on 23 January 2014, (ii) items related

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<sup>1</sup> ICC-01/05-01/13-T-2-RED-ENG ET, 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”).

<sup>2</sup> 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, Rule 77 and potentially exculpatory materials to eCourt and will provide the physical disclosure of these materials as and when the Defences identify their respective focal points for their receipt.

<sup>3</sup> ICC-01/05-01/13-315, 4 April 2014, p. 7.

to his first statement to the French authorities, and (iii) items seized from him and handed over to the Prosecution by the Registry on 29 January 2014.

6. *Confidential* Annex B contains items falling under Rule 77 comprising material obtained from Narcisse Arido's email account, and one document referring to Fidèle Babala.

7. *Confidential* Annex C contains potentially exculpatory evidence, including certain emails obtained from Narcisse Arido's email account.



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**Fatou Bensouda, Prosecutor**

Dated this 11<sup>th</sup> Day of April 2014  
At The Hague, The Netherlands