

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 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 17 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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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

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 teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido on 17 April 2014.²

2. The disclosure was made pursuant to, and in accordance with, the Chamber’s 14 March 2014 Order extending the Confirmation of Charges to 30 June 2014³ and Rule 121(3) of the Rules of Procedure and Evidence.⁴ Additionally, the Prosecution disclosed Rule 77 and Potentially Exculpatory materials to the Defence teams, in accordance with its on-going obligations.

II. 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 disclosed to all

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

² The Prosecution 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 the disclosed items as and when the Defences identify their respective focal points for their receipt.

³ ICC-01/05-01/13-255, p. 8.

⁴ The Prosecutor shall provide to the Pre-Trial Chamber and the person, no later than 30 days before the date of the confirmation hearing, a detailed description of the charges together with a list of the evidence which he or she intends to present at the hearing.

five Defence teams.

5. *Confidential* Annex A contains Incriminating evidence, including: (i) items obtained from Narcisse Arido's email account received on 23 January 2014, (ii) transcripts and/or translations of audio files previously disclosed to the Defence as incriminatory evidence, (iii) official copies of Narcisse Arido's and Aimé Kilolo Musamba's statements, (iv) documents received from Western Union; (v) Victims and Witnesses Unit's document; and (vi) document containing details of Western Union transfers.

6. *Confidential* Annex B contains Rule 77 material, including: (i) items obtained from Narcisse Arido's email account, (ii) document signed by an OTP witness, (iii) an open source video, (iv) documents received from the Registry; (v) documents received from the French authorities.

7. *Confidential* Annex C contains Potentially Exculpatory evidence, comprising of material obtained from Narcisse Arido's email account.



Fatou Bensouda, Prosecutor

Dated this 17th Day of April 2014
At The Hague, The Netherlands