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No.: ICC-01/05-01/13
Date: 14 February 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 Material
Disclosed to the Defence on 14 February 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

The Office of Public Counsel for Victims

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REGISTRY

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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 evidence disclosed to the Defence teams of Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo and Fidèle Babala Wandu on 14 February 2014.²

2. This communication report accounts for the 7 February 2014 Decision of the Single Judge of Pre-Trial Chamber II ("Single Judge") ordering the Prosecution *"to disclose to the Defence, no later than Friday 14 February 2014, (i) the documents contained in Annexes B, C and D to the Prosecution's Application and (ii) transcripts of the audio recordings contained in Annexes E and F to the Prosecution's Application."*³ The Prosecution additionally disclosed to the Defence teams transcripts of an interview with P-0020⁴ as well as a document relating to Suspect Babala's professional background, pursuant to Rule 77 of the Rules of Evidence and Procedure.

II. Request for Confidentiality

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

¹ ICC-01/05-01/13-T-2-CONF-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").

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 both incriminating and Rule 77 materials as and when the Defences identify their respective focal points for their receipt.

³ ICC-01/05-01/13-163, Decision on the "Prosecution's Application for Redactions pursuant to Rule 81(4) of the Rules of Procedure and Evidence", 7 February 2014, pp. 7-8.

⁴ The original recordings were disclosed to the Defence on 31 January 2014 in Pre-Confirmation INCR package 3.

III. Submissions

4. The Confidential Annexes to this communication report list evidentiary items disclosed to all four Defence teams. Confidential Annex A includes (i) two audio recordings of a witness interview and their corresponding transcripts,⁵ (ii) three witnesses' statements and their corresponding French translations,⁶ (iii) and nine transcripts of P-0020's interview. Confidential Annex B contains one document falling under Rule 77 of the Rules.



Fatou Bensouda, Prosecutor

Dated this 14th February 2014

At The Hague, The Netherlands

⁵ ICC-01/05-01/08, *The Prosecutor v. Jean-Pierre Bemba Gombo* (Main Case), Prosecution witness P-0243.

⁶ Main Case, Prosecution witnesses P-0242, P-0214 and P-0243.