

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 29 April 2016

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Paul Pangalangan

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

With three confidential annexes

**Transmission of material provided by the Dutch authorities
in response to the cooperation request
resulting from decisions ICC-01/05-1/13-1768 and ICC-01/05-1/13-1774**

Source: The Registry

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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States' Representatives

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REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Introduction

1- In accordance with Rules 13(1) and 176 of the Rules of Procedure and Evidence, the Registry hereby transmits the material communicated by the Ministry of Justice of the Kingdom of The Netherlands in response to a cooperation request sent by the Registry on 7 April 2016 and following further consultation with the Defence for Jean-Jacques Mangenda ('Mangenda Defence'), as directed by Single Judge Bertram Schmitt of Trial Chamber VII ("Trial Chamber") in the "Decision on Second Mangenda Request for cooperation"¹ and the "Decision on Bemba Defence Request for Extension of Time"², respectively issued on 5 and 6 April 2016.

Classification

2- Pursuant to regulation 23bis(2) of the Regulations of the Court ("RoC"), the present submission is public as it refers to public decisions. Its annexes are classified as confidential, as they contain contact details of staff of the International Criminal Court ("ICC") and of the Dutch authorities. The material submitted by the Dutch authorities is communicated to all Defence Teams of this case, as per Trial Chamber's instruction.³

Submission

3- On 17 March 2016, the Mangenda Defence required the Chamber to request the Dutch Authorities to disclose five documents related to the surveillance of telephone numbers attributed to Mr Mangenda, and any related documents.⁴

4- On 5 April 2016, the Single Judge granted the Mangenda Defence request.⁵

¹ Trial Chamber VII, "Decision on Second Mangenda Request for cooperation", 5 April 2016, ICC-01/05-01/13-1768

² Trial Chamber VII, "Decision on Bemba Defence Request for Extension of Time", 6 April 2016, ICC-01/05-01/13-1774

³ Email of 6 April 2016 from Trial Chamber VII to the Registry.

⁴ "Second Request for Disclosure of Information from Dutch authorities", 17 March 2016, ICC-01/05-01/13-1727-conf

5- On the same day, the Defence for Mr Jean-Pierre Bemba submitted to the Trial Chamber that some material was recently provided by the Defence for Mr Aimé Kilolo, including some documents which form part of the material requested by the Mangenda Defence.⁶

6- On 6 April 2016, the Single Judge, *inter alia*, ordered the Kilolo Defence to make the material available to any other Defence team in the case and asked the Mangenda Defence to liaise with the Registry in order to adjust the draft request for cooperation to the Dutch authorities accordingly.⁷ Following further consultation with the Mangenda Defence on the specification of the two remaining requests, the Registry sent a cooperation request through a *note verbale* on 7 April 2016 to the Ministry of Justice of the Netherlands to request the disclosure of the two remaining requests.

7- On 15 April 2016, the Ministry of Justice provided the requested material together with a letter from the Dutch Prosecutor dated 13 April 2016 to the Ministry stating that “every action taken was entirely in accordance with Dutch legislation and jurisprudence”.

8- The requested material was provided in their original language, namely in English for the documents related to the communications between the Dutch authorities and the ICC, and in Dutch for the letter from the Dutch Prosecutor on 13 April 2016 and for the domestic judicial documents. The Ministry subsequently provided a translation of these two latter documents in English.

9- Consequently, the Registrar transmits to the Trial Chamber the three following confidential annexes:

Annex 1 : Note verbale from the Registry to the Ministry of Justice of the Kingdom of The Netherlands (ref.: NV/2016/EOSS/91/JCA/ebs) dated 7 April 2016;


⁵ See footnote 1

⁶ Urgent Defence Request for Extension of Time, 5 April 2016, ICC-01/05-01/1-1769-Conf

⁷ See footnote 2

Annex 2 : Requested material disclosed by the Ministry of Justice of the Kingdom of the Netherlands in original language (English and Dutch);

Annex 3 : Translation in English of the material provided in Dutch by the Ministry of Justice of the Kingdom of The Netherlands.



Marc Dubuisson, Director, Division Judicial Services,
On behalf of
Herman von Hebel, Registrar

Dated this 29 April 2016

At The Hague, The Netherlands