

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **27/01/2014**

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
& NARCISSE ARIDO**

Confidential Document

Defence request for reclassification of documents

Source: Defence for Jean-Pierre Bemba Gombo

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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Jean-Pierre Kilenda Kakengi Basila

**Legal Representatives of the
Victims**

**Legal Representatives of the
Applicants**

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for
the Defence**

States' Representatives

Amicus Curiae

REGISTRY

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Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

For the purpose of considering a request for interim release (albeit while remaining on remand in case ICC-01/05-01/08), Jean-Pierre Bemba Gombo ("the Suspect") wishes to examine how the Prosecutor sought and obtained the arrest warrant in case ICC-01/05-01/13. To this end, and with a view to challenging the Prosecution contention that reasonable grounds existed, as of 3 May 2013, to believe that article 70 offences had been committed ("probable cause"), the Suspect requests access to and, thus, reclassification of the following documents:

ICC-01/05-44-Conf-Exp: The Prosecutor's first request seeking judicial assistance in the context of her article 70 investigation.

ICC-01/05-45-Conf-Exp: The decision appointing the Single Judge to preside over the article 70 pre-trial proceedings.

ICC-01/05-46-Conf-Exp: The decision of the Single Judge on the Prosecution application ICC-01/05-44-Conf-Exp and an order making available to the Prosecutor the log of the Suspect's telephone communications at the ICC Detention Facility.

ICC-01/05-50-Conf-Exp: The Single Judge's decision setting out the modalities for the execution of decision ICC-01/05-46-Conf-Exp.

ICC-01/05-51-Conf-Exp, with confidential, ex parte annexes A and B: The Prosecutor's second request for judicial assistance in the context of her article 70 investigation. In this request, the Prosecutor petitioned the Single Judge for an order that the Dutch and Belgian authorities provide information on telecommunications placed or received by Jean-Jacques Mangenda and Aime Kilolo.

ICC-01/05-60-Conf-Exp: The Prosecutor's third request for judicial assistance in the context of her article 70 investigation.

ICC-01/05-T-2-CONF-EXP-ENG, ICC-01/05-T-3-CONF-EXP-ENG and ICC-01/05-T-4-CONF-EXP-ENG: Transcripts of *ex parte* status conferences at which the independent counsel's mandate, modus operandi and work were discussed.

Classification

This filing makes reference to the contents of confidential filings and, for this reason, is classified as confidential.

Regulation 35(2) of the Regulations of the Court

Counsel does not believe that there exist any justifiable grounds for the Prosecutor to object to reclassification of the very submissions in which she set out her reasons for attributing probable cause to the Suspect. To this end, the learned Single Judge is requested to order reclassification forthwith or to find that "good cause" exists for ordering a Prosecution response to this petition within a day or two.



Nicholas Kaufman

Counsel for Jean-Pierre Bemba Gombo

Jerusalem, Israel
Monday, January 27, 2014