



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**

Public Document

**Jean-Pierre Bemba Gombo's request for reclassification
of the annex to filing ICC-01/05-01/13-129**

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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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

Registrar

Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

On 27 January 2014, Me. Ghislain Mabanga filed his "*Requête aux fins de divulgation et communication d'actes de procédure et pièces en relation avec l'enquête diligentée contre M. Aimé Kilolo Musamba*".¹ The said request includes a confidential annex which is presently classified as confidential *ex parte* the Prosecution and the Defence for Aimé Kilolo Musamba only.

Me. Mabanga's request seeks disclosure of documents which could also be of use to the Defence for Jean-Pierre Bemba Gombo and, no doubt, to the other defence counsel involved in this case. Moreover, Me. Mabanga's request discloses, *inter alia*, a strategy which could impact on the other suspects to this case; namely, a potential challenge to the admissibility of various intercepted communications. Counsel for Jean-Pierre Bemba Gombo does not feel that it was necessary to remind the Prosecutor, by way of a disclosure request, that she bears the burden of disclosing documents pertaining to the admissibility of intercepted communications. Indeed, failure to prove the legal pedigree of intercepted communications could be a legitimate ground for arguing that they should not be admitted into evidence. Nevertheless, Me. Mabanga's request has now brought the issue to the fore.

Me. Mabanga provides no proper justification for classifying the annex to his filing as confidential to the exclusion of the other defence counsel in this case. Accordingly, the learned Single Judge is requested to order reclassification of the said annex confidential to all defence counsel.



Nicholas Kaufman

Counsel for Jean-Pierre Bemba Gombo

Jerusalem, Israel
Monday, January 27, 2014

¹ ICC-01/05-01/13-129.