



Original: English

No.: ICC-01/05-01/08

Date: 27/01/2014

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
THE PROSECUTOR
v. Jean-Pierre Bemba Gombo**

Public

**Public Redacted Version of "Defence Response to "Request for Access to the
Confidential Record of Case ICC-01/05-01/08""**

Source: Defence for Mr. 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

Fatou Bensouda

Jean-Jacques Badibanga

Counsel for the Defence

Peter Haynes QC

Kate Gibson

Legal Representatives of the Victims

Marie-Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented

(Participation/Reparation)

Applicants

The Office of Public Counsel for the Victims

Paolina Massida

The Office of Public Counsel for the Defence

Mr. Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Other

A. SUBMISSIONS

1. The Defence files the present submissions in compliance with the Trial Chamber's direction of 24 January 2014,¹ concerning the *Request for Access to the Confidential Record of Case ICC-01/05-01/08*.²

2. The Defence in the present case³ has no instructions to oppose Mr. Kaufman being granted access to confidential materials in the present proceedings in order to assist him in his capacity as Mr. Bemba's counsel in case ICC-01/05-01/13. The Defence is compelled to note, however, the immense record of confidential filings, exhibits, transcripts and other materials generated during the course of a trial which has run for over 3 years.

3. In order to focus the Chamber's attention, the Defence understands that the accused is particularly interested in the provision of the confidential materials and documents related to the litigation concerning [REDACTED].⁴ In the respectful submission of the Defence, these materials appear of clear relevance to what has so far been made public concerning the Article 70 proceedings, and should be released to the Defence in case ICC-01/05-01/13.

4. The current filing is made confidentially, notwithstanding the fact that the original Request was filed publicly, because it refers to Confidential filings and exhibits. A public redacted version will be filed concurrently.

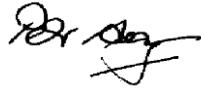
The whole respectfully submitted.

¹ Email [REDACTED] to the parties and participants, entitled "Jean-Pierre Bemba Gombo Case: ICC-01/05-01/08-2944+Anx1-Transmission of a submission from Mr. Nick Kaufman dated 22 January 2014", 24 January 2014 16:15.

² ICC-01/05-01/08-2944-Anx1.

³ ICC-01/05-01/08-2729.

⁴ [REDACTED].



Peter Haynes QC
Lead Counsel of Mr. Jean-Pierre Bemba

The Hague, The Netherlands

27 January 2014