

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 30 January 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, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

Confidential document

With

**Confidential, Annex A and Confidential, *EX PARTE*, Annex B, only available to
Prosecution and Registry**

Prosecution Notification of a Filing in the Prosecutor *v.* Jean-Pierre Bemba Case

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

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for the Defence of Jean-Pierre Bemba

Nicholas Kaufman

Counsel for the Defence of Aimé Kilolo Musamba

Ghislain Mabanga

Counsel for the Defence of Jean – Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Others

I. Notification

1. The Office of the Prosecutor ("Prosecution") hereby notifies the Single Judge of its filing before Trial Chamber III pursuant to Regulation 42(3) of the Regulations of the Court ("Request"), requesting a variance of protective measures concerning evidence given by Defence witnesses in *The Prosecutor v. Jean-Pierre Bemba* ("Bemba case").

2. The Request seeks access to the evidence of Defence witnesses in the *Bemba* case: (i) to enable the Prosecution to rely on such evidence for the confirmation proceedings;¹ (ii) to enable the Prosecution to discharge its disclosure obligations in accordance with the Court's legal framework;² and (iii) to provide the parties full access to relevant transcripts of evidence, subject to any prevailing protective measures.

3. The Request itself is attached to this notification as *Confidential* Annex A. The annex to the Request, is attached as *Confidential, ex parte*, Annex B.

¹ See ICC-01/05-01/13-T-2-CONF-ENG ET, 4 December 2013, p. 32, line 9 to line13; see also, ICC-01/05-01/13-135, Decision on the "Prosecution's notice of receipt of communication from Dutch authorities concerning seized material" and related filings, 28 January 2014, pp. 5 to 6.

² See e.g., Article 67(2) of the Rome Statute and Rule 77 of the Rules of Procedure and Evidence.

II. Confidentiality

4. This notification and Annex A are designated as "*confidential*" because the submission in the *Bemba* case is so designated. Annex B is classified as "*ex parte*" because it contains the names of protected witnesses in the *Bemba* case, to which the Defence teams in this case do not yet have access.



Fatou Bensouda, Prosecutor

Dated this 30th Day of January 2014
At The Hague, The Netherlands