

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 11 February 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***

Public Redacted document

**Public Redacted version of "Prosecution Request to Obtain Evidence from the
Victims and Witnesses Unit", 10 February 2014, ICC-01/05-01/13-172-Conf-Exp**

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

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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

States Representatives

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Detention Section

Victims Participation and Reparations Section Others

I. Introduction

1. The Office of the Prosecutor (“Prosecution”) requests the Single Judge, pursuant to Articles 54 and 57 of the Rome Statute (“Statute”), to order the Victims and Witness Unit (“VWU”) to provide the Prosecution with important information within the VWU’s possession concerning Defence witnesses in the case *The Prosecutor v. Jean-Pierre Bemba* (“Bemba case”).

2. As explained below, the information sought is limited, targeted, and necessary to the Prosecution’s continued investigation of this case, pursuant to Article 54(1)(a) of the Statute.

II. Confidentiality

3. This document is filed “confidential, *ex parte*, only available to Prosecution and Registry” because it refers to ongoing investigations. Given the nature of the charges, putting the suspects on notice of the Prosecution’s envisaged investigative steps in relation to, *e.g.*, [REDACTED] of Defence witnesses in the *Bemba* case may jeopardise those investigations.

III. Submissions

4. On 5 February 2014, the Prosecution informed the VWU that it sought the information concerning Defence witnesses in the *Bemba* case, set out below, in the VWU’s possession. The VWU informed the Prosecution that it did not oppose the request, but required an order of the Court to comply.

5. Thus, the Prosecution seeks an order from the Single Judge requiring the VWU to provide the following information for all Defence witnesses in the *Bemba* case:

- i. [REDACTED];
- ii. [REDACTED];
- iii. [REDACTED];
- iv. [REDACTED];
- v. [REDACTED],¹ [REDACTED].

6. The information sought is important. By obtaining the relevant records in possession of the VWU, the Prosecution can more precisely confirm [REDACTED]. Such information goes directly to charges in this case, whether incriminating or exonerating.

7. The Chamber has previously granted the Prosecution similar relief.² Should the Chamber grant this request, the Prosecution proposes to liaise directly with the VWU to resolve or clarify any outstanding issues.

IV. Requested Relief

8. For the foregoing reasons, the Prosecution requests the Chamber to order the VWU to provide the Prosecution with the information described in paragraph five as soon as possible and, in any event, within one week of the Single Judge's order.



Fatou Bensouda, Prosecutor

Dated this 11th Day of February 2014
At The Hague, The Netherlands

¹ [REDACTED].

² See, ICC-01/05-46, Decision on the Prosecutor's "Request for judicial assistance to obtain evidence for investigation under Article 70", 8 May 2013; ICC-01/05-50, Decision on the "Registry's Observations pursuant to regulation 24 bis of the Regulations of the Court on the implementation of the 'Decision on the Prosecutor's 'Request for judicial assistance to obtain evidence for investigation under Article 70'", 27 May 2013; ICC-01/05-62-Red, Decision on the Prosecutor's "Third request for judicial order to obtain evidence for investigation under Article 70" dated 7 October 2013 (ICC-01/05-60-Conf-Exp), 10 October 2013.