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

Date: 12/02/2014

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 and NARCISSE ARIDO***

Public Document

Defence response to Prosecution filing: ICC-01/05-01/13-172-Red

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

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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

Mr. Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

The Defence for Mr. Jean-Pierre Bemba Gombo ("the Suspect") hereby files a response to the Prosecution's filing: ICC-01/05-01/13-172-Red filed, *ex parte*, on 10 February 2014 and notified in its public redacted version on 11 February 2014.

Notwithstanding decision ICC-01/05-46, the Suspect respectfully submits that the learned Single Judge lacks the necessary jurisdiction to facilitate the provision of information pertaining to Defence witnesses in case ICC-01/05-01/08 and to vary, if necessary, any protective measures to which they may be subject. The Suspect believes that the Prosecutor's application should have been made to Trial Chamber III and that Counsel for the Suspect in case ICC-01/05-01/08 should be entitled to submit his views.

The Suspect, furthermore, objects to the *ex parte* nature of the application which fails to give a properly motivated explanation for why the Prosecutor believes that "*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*".

In light of the aforementioned, the Single Judge is requested to dismiss the request contained in the Prosecutor's filing ICC-01/05-01/13-172-Red.



Nicholas Kaufman

Counsel for Jean-Pierre Bemba Gombo

Jerusalem, Israel
Wednesday, February 12, 2014