

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 28/05/2014

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***

Confidential Document

Defence response to Prosecution filing ICC-01/05-01/13-437-Conf

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

Counsel Support Section

Victims and Witnesses Unit

Detention Section

The Defence for Jean-Pierre Bemba Gombo ("the Suspect") hereby responds to the *Prosecution's Request in respect of the Modalities of the Disclosure of Certain Material*.¹

1. The purpose of the Prosecution Request is not clear. Nor is it clear why the Prosecutor has decided, at this late stage, to make available to Counsel for the Suspect in case ICC-01/05-01/13 materials from case ICC-01/05-01/08. On 13 May 2014, the Prosecutor's representative in case ICC-01/05-01/08 was still insisting that Counsel apply to Trial Chamber III for access to a transcript.²

2. The materials in question were, presumably, in the Prosecutor's possession prior to 23 November 2013 and should, thus, have been disclosed or reclassified, so it is submitted, pursuant to the deadlines set down by the Single Judge at the Status Conference held on 4 December 2013.³

3. The Suspect has no objection to receiving the materials and sincerely thanks the Prosecutor for her considerate munificence - belated as it is.

4. For the reasons mentioned in paragraph 2 above, however, the Suspect objects to any reliance by the Prosecutor on the materials during the confirmation proceedings.



Nicholas Kaufman

Counsel for Jean-Pierre Bemba Gombo

Jerusalem, Israel
Wednesday, May 28, 2014

¹ ICC-01/05-01/13-437-Conf.

² ICC-01/05-01/03-T-303

³ ICC-01/05-01/13-T-2-Red-ENG WT 04-12-2013 32/33 SZ PT at line 4 infra.