

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 07/08/2014

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**

Confidential

Defence Observations to filing ICC-01/05-01/05-3106

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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Jean-Jacques Badibanga

Counsel for the Defence

Peter Haynes QC

Kate Gibson

Melinda Taylor

Legal Representatives of the Victims

Marie-Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for the Victims

The Office of Public Counsel for the Defence

Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

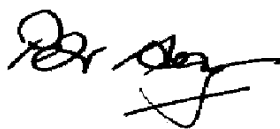
Detention Section

**Victims Participation and Reparations Other
Section**

A. OBSERVATIONS

1. On 6 August 2014, the Defence received an email from the Chamber requesting the Defence to file observations on “Transmission of a submission from the Defence for Mr Fidèle Babala Wandu (the “Babala Defence team”) in case ICC-01/05-01/13” (ICC-01/05-01/08-3106-Conf+Anx1).
2. The substance of the material sought by the Babala defence team is well known to the Defence. It concerns the analysis of the contents of telephone conversations between Mr Jean-Pierre Bemba and Mr Fidèle Babala Wandu. These conversations have been recorded and analysed by the Registry.
3. The Defence concedes the relevance of this analysis to the issues between the prosecution and Mr Babala in the Article 70 case, and has no observations to make as to why this request should not be granted. The Defence for Mr Bemba in both cases is, of course already in possession of the material concerned.
4. The observations of the prosecutor are inapposite. The relevance of this material to the preparation of the Defence of both Mr Babala and Mr Bemba is clear. Indeed, arguably it was the prosecutor’s duty to seek the leave of this Chamber to disclose the material in the first place.

The whole respectfully submitted.



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

The Hague, The Netherlands

07 August 2014