



Original: English

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

Date: 03/11/2014

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Cuno Tarfusser,
Judge Christine Van den Wyngaert

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

**Additional Defence request for the lifting of redactions
applied to ICC-01/05-01/13-T-5-Conf-Exp-ENG**

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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Counsel for Narcisse Arido

Goran Kimo Sluiter

Legal Representatives of the Victims	Legal Representatives of the Applicants
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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") in case ICC-01/05-01/13 hereby reiterates the request made by his Counsel in case ICC-01/05-01/08 to lift the redactions applied by the Single Judge to transcript ICC-01/05-01/13-T-5-Conf-Exp-ENG ("the Transcript").¹

All information pertaining to the "anonymous" informant and the means whereby the Prosecution initiated the Article 70 proceedings against the Suspect is material to the preparation of his defence. With respect to the Transcript, at least one judge of the Appeals Chamber – HHJ Anita Ušacka has opined that the Single Judge denied the Defence essential information stating: "*[a]s regards the evidential link between the two cases, I particularly note that in the Bemba et al case, the Defence was not given access to certain crucial documents, including the transcript of an ex parte hearing of 26 March 2014, which I consider relevant to the proceedings at hand*".²

HHJ Ušacka even went so far as to state: "*if I had been aware of this transcript at the time of the decision of the Plenary on the request for the disqualification of Judge Tarfusser ... I would have voted in favour of his disqualification*".³

In light of the aforementioned, and for the very same reasons provided by Counsel in case ICC-01/05-01/08, the Pre-Trial Chamber is requested to lift the redactions applied to the Transcript which are pertinent to the concerns of HHJ Ušacka and concern the issues identified in paragraph 25 of filing ICC-01/05-01/13-734-Anx1.



Nicholas Kaufman

Counsel for Jean-Pierre Bemba Gombo

Jerusalem, Israel
Monday, November 03, 2014

¹ ICC-01/05-01/13-734-Anx1

² ICC-01/05-01/13-648-Anx2-Red at paragraph 10.

³ *ibid* at footnotes 15 & 16.