

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **French**

No.: **ICC-01/05-01/13**
Date: **12 June 2014**

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Usacka
Judge Sanji Mmasenono Monageng

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

Corrigendum to the Application to reply to the Prosecutor's response ICC-01/05-01/13-481 conf 10-06-2014 to the addendum to the request for the disqualification of the Prosecutor from the investigation and prosecution of Mr Aimé Kilolo Musamba and Mr Jean-Jacques Kabongo Mangenda

Source: Counsel for the Defence of Jean-Jacques Kabongo Mangenda

**Document to be notified in accordance with regulation 31 of the regulations of the
Court, to:**

Office of the Prosecutor

Fatou Bensouda

James Stewart

Counsel for Jean-Jacques Kabongo

Mangenda

Mr Jean Flamme

Counsel for Jean-Pierre Bemba Gombo

Mr Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Mr Ghislain Mabanga

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda

Counsel for Narcisse Arido,

Mr Goran Sluiter

REGISTRY

The Registrar

Herman von Hebel

Defence Support Section

1. The Prosecutor responded to the addendum filed by the Defence for Mr Aimé Kilolo Musamba.

That “addendum” apprises the Appeals Chamber of the allegations against the Office of the Prosecutor which are extremely serious and point to the existence of a criminal organisation within the Office of the Prosecutor aimed at threatening or arranging to threaten, and where necessary, corruptly influencing defence witnesses so that they testify against the Accused, even going so far as to threaten their families.

2. It is quite shocking to note that in the face of such serious accusations concerning entirely new facts, the Prosecutor attempts to hide behind purely procedural arguments, such as the “argument” that the “addendum” in fact constitutes a “response” not provided for by the texts.

That is clearly not the case since the facts being brought to the Chamber’s attention are entirely new.

Furthermore, since the Prosecutor is bound by a duty of objectivity, she must respond to the accusations against her down to the smallest detail, rather than reformulate new accusations against the accused, including the applicant, as she has done.

It is very disturbing to note that the Prosecutor merely confines herself to denying the issues raised and refuses to deal with them in detail.

3. The Defence for Mr Kabongo Mangenda (“the applicant”) notes that the Prosecutor makes new and wholly unfounded accusations against him in the context of an “accusation” which, from the very beginning, has consisted of “projecting” onto the Defence what the Office of the Prosecutor has systematically done itself, namely interfered with and corruptly influenced witnesses.

It therefore requests leave to respond to the Prosecutor's remarks.

FOR THESE REASONS,

MAY IT PLEASE THE APPEALS CHAMBER,

To grant the Defence for Mr Jean-Jacques Kabongo Mangenda leave to respond to the remarks ICC-01/05-01/13- 481 conf 10-06-2014 of the Prosecutor.

[signed]

Jean FLAMME, Counsel for the Defence

for

Jean-Jacques Mangenda Kabongo

Dated this 12 June 2014

At Ghent, Belgium.