

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: English

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

Date: 20/02/2015

**TRIAL CHAMBER VII**

**Before:** Judge Chile Eboe-Osuji, Presiding Judge  
Judge Olga Herrera Carbuccion  
Judge Robert Fremr

**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 *Ex Parte* (Prosecution, Bemba Defence only)**

**Urgent Request for the Reclassification of the 'Prosecution's Submission on the  
Appointment of Defence Counsel'**

**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**

Fatou Bensouda

James Stewart

Kweku Vanderpuye

**Counsel for Mr Jean-Pierre Bemba**

**Gombo**

Melinda Taylor

**REGISTRY**

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**Registrar**

Herman von Hebel

**Defence Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Other  
Section**

1. On 17 February 2015, the Prosecution filed its 'Submission on the Appointment of Defence Counsel', (Submission)<sup>1</sup> which sets out its position that it is necessary for the Trial Chamber to review the appointment of Mr. Bemba's Counsel in light of Articles 12(3) and 16(1) of the Code of Professional Conduct for Counsel.
2. The Prosecution justified the confidential *ex parte* classification of the Submission on the basis that it "involves matters strictly pertinent to Bemba". The Prosecution indicates that it does not, however, object to its potential reclassification.
3. The Submission addresses the potential trial strategy of the respective Defence teams of Mr. Kilolo and Mr. Mangenda,<sup>2</sup> and presages the intention of either the Prosecution or the Trial Chamber to call Mr. Haynes and Ms. Gibson as witnesses.<sup>3</sup>
4. The Prosecution has also advanced the position that this issue of legal representation has the potential to cause disruption in the proceedings,<sup>4</sup> or to impact on the overall fairness of the proceedings and the administration of justice.<sup>5</sup>
5. The issues set out in the Submission have the potential to affect the rights and interests of all of the Defence teams appearing in this case. As such, all Defence teams should have the right to be apprised of the Submission, and to respond, should they wish to do so.

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<sup>1</sup> ICC-01/05-01/13-819-Conf-Exp.

<sup>2</sup> Paras. 19-20.

<sup>3</sup> Paras. 21-22.

<sup>4</sup> Para. 3

<sup>5</sup> Paras. 36 and 37.

6. The Defence for Mr. Jean-Pierre Bemba Gombo therefore respectfully requests the Honourable Trial Chamber to reclassify the Submission from Confidential *ex parte*, to Confidential.



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Melinda Taylor  
Counsel for Mr. Jean-Pierre Bemba Gombo

Dated this, 20<sup>th</sup> Day of February 2015  
At The Hague, The Netherlands