

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 27 February 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, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO

Public Redacted Document

**Public redacted version of "Prosecution Response to Defence Request for
Disclosure", 06 February 2014, ICC-01/05-01/13-153-Conf**

Source: The Office of the Prosecutor

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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Mr Göran Sluiter

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Others

I. Introduction

1. The Office of the Prosecutor ("Prosecution") hereby responds to the Bemba Defence's 2 February 2014 request for disclosure ("Request").¹ The Request is founded upon an apparently reasonable, but erroneous assumption. As such, it is without merit and should be dismissed accordingly.

II. Confidentiality

2. This filing is classified as "Confidential" as the Request to which it responds is so designated.

III. Submissions

3. The Request is predicated on a remark of OTP Investigator [REDACTED] during the course of a Suspect interview of Mr. Mangenda conducted on 25 November 2013. In particular, the phrase, "and we speak to them as well"² (referring to Suspects Babala and Kilolo) has led Bemba's Counsel to surmise that "[REDACTED] is suggesting that, as of 25 November 2013, members of the Office of the Prosecutor had spoken or were speaking with the co-suspect Fidèle Babala".³ In fact, Investigator [REDACTED] misspoke. The OTP has not interviewed Mr. Babala.

4. Although it is not incumbent upon Counsel to approach the Prosecution directly with the type of concerns raised in the Request, or to have verified his

¹ ICC-01/05-01/13-145-Conf, Defence request for disclosure, 2 February 2014.

² CAR-OTP-0072-0163, Audio Recording of Jean-Jacques Mangenda's Interview, dated 25 November 2013, at 03:17:26 (in which Investigator [REDACTED] states "we're speaking to them as well" Cf. CAR-OTP-0072-0795, quoted in the Request).

³ Request, para. 4.

assumptions with Counsel for Babala for instance, doing so might have obviated the need to seize the Chamber of this matter.

5. As concerns the remainder of the Request, the Prosecution is fully aware of its disclosure obligations under the Rome Statute, the Rules of Procedure and Evidence, and the Chamber's 4 December 2013 Order,⁴ by which it continues to abide.

IV. Requested Relief

6. For the foregoing reasons, the Prosecution respectfully requests that the Request be dismissed.



Fatou Bensouda, Prosecutor

Dated this 27th Day of February 2015

At The Hague, The Netherlands

⁴ ICC-01/05-01/13-T-2-CONF-ENG ET, 4 December 2013, p. 31.