

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **30 March 2015**

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

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***

Confidential Document

Prosecution Request for Leave to Reply to ICC-01/05-01/13-864-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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I. Introduction

1. Pursuant to regulation 24(5) of the Regulations of the Court ("RoC"), the Office of the Prosecutor ("Prosecution") requests Trial Chamber VII ("Chamber")'s leave to reply to the Accused Jean-Pierre Bemba's ("Bemba") "Defence Response to the Prosecution's Submission on the Appointment of Defence Counsel, with Confidential Annex A"¹ ("Response").

2. In view of the legal questions involved, a limited and focused reply may benefit the Chamber and assist in the proper determination of the issues raised in the "Prosecution's Submission on the Appointment of Defence Counsel".²

II. Confidentiality

3. This filing is classified as "Confidential" because it relates to a filing of the same designation. The Prosecution has no objection to this filing being reclassified as public.

III. Submissions

4. The Prosecution seeks to reply to the following arguments advanced in the Response:

(a) whether rule 73(1) of the Rules of Procedure and Evidence prevents Counsel in the Main Case from testifying in these proceedings;

(b) whether a waiver under article 16(3) of the Code of Professional Conduct for counsel ("Code") applies to impediments to representation covered in article 12(3) of the Code;

¹ ICC-01/05-01/13-864-Conf.

² ICC-01/05-01/13-819-Conf.

- (c) whether the assignment of discrete Defence teams to Bemba is, in the circumstances, *per se* unfair or prejudicial;
- (d) whether, given that Bemba's waiver of a potential conflict of interest is purportedly based on the independent legal advice he received, the Chamber should (1) be informed of the nature of the independent legal advice provided, so as to independently assess its sufficiency; and (2) require that any such waiver be executed by Bemba and filed in the record of the proceedings.

IV. Relief Requested

5. For the foregoing reasons, the Prosecution requests the Chamber to grant it leave to reply to the Response, pursuant to regulation 24(5) of the RoC.



Fatou Bensouda, Prosecutor

Dated this 30th Day of March 2015
At The Hague, The Netherlands