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No: ICC-01/05-01/13

Date: 13 April 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, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA WANDU
AND NARCISSE ARIDO***

Public

Observations of the Mangenda Defence in advance of the first Status Conference

Source: Defence for Jean-Jacques Kabongo Mangenda

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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Legal Representatives of the Victims

Legal Representatives of the Applicants

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

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Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Jean-Jacques Kabongo Mangenda files these submissions pursuant to the Trial Chamber's "Order seeking submissions in advance of first status conference" of 23 February 2015.¹
2. Mr Mangenda has joined in the common defence submissions and proposed protocols filed today in respect of five issues: (i) modalities of disclosure;² (ii) redactions;³ (iii) handling confidential information and contacting opposing party witnesses;⁴ (iv) witness familiarisation/preparation;⁵ and (v) conduct of the proceedings.⁶ The present individual submission addresses the remaining additional issues identified in the Order.

II. SUBMISSIONS

A. LANGUAGE OF THE PROCEEDINGS

3. Mr Mangenda's Defence intends to question witnesses and make oral submissions during the proceedings in English. The Mangenda Defence also supports the request of any other Defence team to use the ICC working language of its choice under Article 50(2) of the Rome Statute, and requests that real-time transcription of proceedings be provided in both French and English.

¹ Order seeking submissions in advance of first status conference, ICC-01/05-01/13-824, 23 February 2015 ("Order"). As the Order is public, and none of the information contained herein is confidential, the present filing is classified as public.

² *Id.*, para. 2(a).

³ *Id.*, para. 2(b)(i).

⁴ *Id.*, para. 2(b)(ii).

⁵ *Id.*, para. 2(b)(iii).

⁶ *Id.*, para. 2(b)(iv).

B. ESTIMATED NUMBER AND CHARACTERISTICS OF WITNESSES AND DOCUMENTARY EVIDENCE

4. The Mangenda Defence is not in a position at this time to make submissions in respect of these issues, including the number, language or need for protective measures of any of its witnesses.⁷

C. ADMISSIONS AND/OR AGREEMENTS AS TO EVIDENCE

5. The Mangenda Defence is not yet in a position to make admissions or agreements as to evidence for three reasons: (i) the recent appointment of a new lead counsel due to no fault of Mr Mangenda; (ii) the absence of key information about the Prosecution case including a revised Document Containing the Charges and exhibit list; and (iii) the need for further consultation with the other co-accused on the issue. While some of the facts proposed by the Prosecution to date seem uncontroversial, incremental or rolling agreements as to admissions or agreed facts would not be efficient.

D. COMMENCEMENT DATE OF TRIAL

6. The Mangenda Defence is not in a position at this time, given the uncertainties regarding disclosure and on-going investigations by the Prosecution,⁸ to suggest a fair commencement date for trial proceedings.

E. AGENDA OF THE STATUS CONFERENCE

7. The Mangenda Defence respectfully requests the addition of the following items to the agenda for the first status conference:

⁷ *Id.*, paras. 2(c), reading: “[t]his item is primarily addressed to the Prosecution – the defence teams are not obligated to provide this information at this time unless they wish to do so.”

⁸ Prosecution’s Observations on the Agenda of the First Status Conference, ICC-01/05-01/13-859-Conf, 20 March 2015, paras. 10 – 13.

- a. The imposition of a deadline by which the Prosecution is to file an updated document containing the charges subsequent to the confirmation decision rendered on 11 November 2014; and
- b. The modalities and terms on which the accused shall attend the trial proceedings.

Respectfully submitted,



Christopher Gosnell
Counsel for Mr Jean-Jacques Kabongo Mangenda

Dated this 13 April 2015,
At The Hague, The Netherlands