

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 September 2015

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge

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 Response to the “Motion for Severance or, in the Alternative,
Adjournment or Appearance Pursuant to Rule 134bis of the Rules”**

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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Victims Participation and Reparations Section Others

I. Submissions

1. The Office of the Prosecutor ("Prosecution") opposes Mangenda's motion requesting severance or alternatively an adjournment of trial or leave to appear by video link ("Request").¹
2. The conditions of Mangenda's provisional release unequivocally require his physical presence in The Hague for his trial.²
3. In the circumstances, the Trial Chamber VII ("Chamber") should reconsider its assessment of the risk of Mangenda's non-appearance, pursuant to articles 58(1) and 60(3) of the Rome Statute. That risk, it appears, has substantially changed since his conditional release was granted.
4. Mangenda's motion underscores that he will not chance abandoning his pending appeal in the United Kingdom and any future prospect of securing a legal status there even in view of his undertaking to appear for his trial in accordance with this Chamber's express order.
5. The Chamber should thus take such affirmative and immediate steps as is necessary to ensure that Mangenda abides by the terms and conditions of his release, and to prevent his failure to do so from derailing the trial proceedings.

¹ ICC-01/05-01/13-1253-Conf.

² ICC-01/05-01/13-1151, para.28(i).

II. Confidentiality

6. This filing is classified as "Confidential" as it responds to a filing of the same designation.



Fatou Bensouda, Prosecutor

Dated this 17th Day of September 2015
At The Hague, The Netherlands