



Original: English

**No: ICC-01/05-01/13
Date: 14 October 2015**

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan

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***

URGENT

**Public Redacted Version
With Public Redacted Versions of Annexes A and B**

Defence Motion for Directions to Registry

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

Ms Fatou Bensouda
Mr James Stewart
Mr Kweku Vanderpuye

Counsel for Jean-Jacques Kabongo Mangenda

Mr Christopher Gosnell
Mr Arthur Vercken

Counsel for Jean-Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi
Mr Steven Powles

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila
Mr Roland Azama Shalie Rodoma

Counsel for Narcisse Arido

Mr Charles Achaleke Taku
Mr Philippe Larochelle

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

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Jean-Jacques Mangenda hereby requests¹ that the Trial Chamber order the Registry to provide him with a minimum allowance while present in The Hague to attend trial proceedings. Mr. Mangenda seeks the cost of his actual expenses, which he estimates to be about 50 Euros a day, as well as [REDACTED].
2. The Registry does not seem to dispute that it has some obligation in respect of such expenses, but has set the *per diem* allowance at only 8.50 Euros.² It has disclaimed any responsibility to provide [REDACTED].³
3. The Registry's position is unreasonable and contradicts its own past practice. When Mr. Mangenda was present in The Netherlands for two months after his release from the United Nations Detention Unit at the end of October 2014, the Registry provided an allowance of 24 Euros per day ***in addition to*** providing accommodation. This was a sufficient amount to cover Mr. Mangenda's expenses given that he was not required to travel daily to the ICC and that the propriety of the premises were maintained by the landlord. Mr. Mangenda now has additional daily expenses arising from travel back and forth between his place of accommodation and the ICC, and maintaining the proper state of his accommodation, which is an obligation the Registry has imposed upon the defendants.
4. Mr. Mangenda also has [REDACTED].
5. Mr. Mangenda has been declared indigent by the Registry for the purposes of legal aid. He is not a man of ample means. He has not been able to work since his arrest in October 2013. He has three children. The expenses described above, while modest for some, are beyond Mr. Mangenda's means.
6. The quantum of allowance accorded by the Registry, and [REDACTED], is unreasonable. Mr. Mangenda is present in The Netherlands pursuant to an order of this

¹ This is a public redacted version of a previous submission filed by the Defence for Mr. Mangenda and is filed pursuant to the Chamber's order in ICC-01/05-01/13-1367-Conf-Exp.

² Annex A, Email from the Registry to the Mangenda Defence, "ICC-01/05-01/13-Practical Information, Commencement of Trial - #2", 28 September 2015, 6:14pm. The Registry has also tacitly acknowledged such an obligation by providing for transportation of the accused to The Netherlands and accommodation in The Hague.

³ Annex B, Email from the Registry to the Mangenda Defence, [REDACTED], 2 October 2015, 4:54 pm [REDACTED].

Court.⁴ His presence here occasions substantial daily costs that he would not otherwise incur. 8.50 Euros is simply insufficient to cover even the most basic needs of food and travel to the ICC. The Registry has not explained how it has determined the amount of 8.50 Euros; given no reasonable explanation as to why it should give a lesser amount than it did when Mr. Mangenda was present on Dutch territory following his release from the Detention Unit in 2014;⁵ and cannot reasonably maintain that 8.50 Euros is a sufficient sum to cover Mr. Mangenda's most basic expenses. These matters have been raised with the Registry.

7. Mr. Mangenda seeks the Trial Chamber's urgent intervention. The Registry has not provided even the promised 8.50 Euros since Mr. Mangenda's arrival. He is, in consequence, in serious financial straits. The situation directly affects Mr. Mangenda's dignity and well-being, which are matters that fall within the purview of the Trial Chamber. The issue of [REDACTED].
8. The Trial Chamber is accordingly requested to direct the Registry to:
 - (i) Provide promptly a reasonable allowance to cover the minimal expenses associated with being present in The Hague and attending trial hearings;
 - (ii) [REDACTED]; and
 - (iii) [REDACTED].

⁴ *Bemba et al.*, Decision Regarding Interim Release, ICC-01/05-01/13-1151, 17 August 2015, para. 28(i); *Bemba et al.*, Decision on 'Motion for Severance or, in the Alternative, Adjournment or Appearance Pursuant to Rule 134bis of the Rules', ICC-01/05-01/13-1269, 18 September 2015, para. 24.

⁵ The Registry has asserted that it had a greater obligation after Mr. Mangenda was released from prison in October 2014 and [REDACTED] Annex B. With the greatest respect, Mr. Mangenda, who is free only on conditional release and who is required to be present in The Hague pursuant to a court order, is no less within the custody of the ICC than he was after his interim release from prison on 31 October 2014.



Christopher Gosnell
Counsel for Mr. Jean-Jacques Kabongo Mangenda

Respectfully submitted this 14th of October 2015,
At The Hague, The Netherlands