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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*

Public

**Request from the Defence for Mr Bemba to access unredacted version of
communication**

Source: Counsel for Jean-Pierre Bemba Gombo

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 Other

Introduction

1. The Defence for Mr. Jean-Pierre Bemba respectfully requests the Trial Chamber to authorise the Defence to have access to the unredacted content of CAR-OTP-0080-1417 (Audio)/ CAR-OTP-0082-0609 (Transcript).
2. The full duration of the conversation is apparently 17 minutes and 9 seconds. Nonetheless, due to the fact that the Independent Counsel only designated the first five minutes as being relevant to the charges (and was advised by the Batonnier that the remainder was privileged),¹ the remaining component of the communication was not transmitted to the parties.
3. Any grounds for withholding this communication from the parties do not, however, apply to the Defence for Mr. Bemba.
4. The Trial Chamber has already recognised that as the privilege holder, the Defence for Mr. Bemba has an interest in accessing the unredacted versions of the materials transmitted to the Independent Counsel.²
5. The redacted component of the conversation pertains to a Defence witness in the Main Case, and could concern issues pertaining to the Main Case. It is therefore imperative that the Defence is granted full access so that it can ensure that any questioning of the witness in relation to this communication does not inadvertently intrude into confidential Main Case issues.
6. The fact that the Batonnier has advised that this section of the conversation is 'privileged' also suggests that it could include important contextual information concerning the purpose of the communication. The Batonnier's recommendation

¹ ICC-01/05-01/13-421-Conf-Anx, pp. 107-108; ICC-01/05-01/13-421-Conf, para. 12.

² ICC-01/05-01/13-893-Red, para. 12; ICC-01/05-01/13-947, paras 40-41, p. 19.

that it should not be transmitted to the Prosecution should not operate to deny the Defence access to information, which could at the very least, inform and focus its preparation for the upcoming testimony of D-15.

Relief Sought

7. For the reasons set out above, the Defence for Mr. Bemba requests the Trial Chamber to grant it access to the unredacted version of CAR-OTP-0080-1417 (Audio)/ CAR-OTP-0082-0609 (Communication N° ID 1000092240879).



Melinda Taylor
Counsel for Mr Jean-Pierre Bemba Gombo

Done the 16th October 2015

The Hague, The Netherlands