

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08

Date: 28/01/2016

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
THE PROSECUTOR
v. Jean-Pierre Bemba Gombo**

Confidential
With Confidential A
Confidential Ex Parte Annex B (Defence and VWU only)
Confidential Ex Parte Annex C (Defence only)
And Confidential Ex Parte Annex D (Prosecution and Defence only)

Defence's Response to "Urgent Defence Request for Reclassification", ICC-01/05-01/08-3317-Anx1

Source: Defence for Mr. 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

Fatou Bensouda

Jean-Jacques Badibanga

Counsel for the Defence

Peter Haynes QC

Kate Gibson

Melinda Taylor

Legal Representatives of the Victims

Marie-Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented

(Participation/Reparation)

Applicants

The Office of Public Counsel for the Victims

Paolina Massidda

The Office of Public Counsel for the Defence

Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations Other
Section**

A. INTRODUCTION

1. On 21 January 2016, the Defence for Mr. Jean-Pierre Bemba Gombo in Case ICC-01/05-01/13 filed an urgent application ("Defence Request" or "Request") requesting Trial Chamber III ("the Chamber") to authorise the transmission of 57 Filings listed in an annex.¹

2. On the same day the Chamber requested the parties and participants to file their responses or observations, including any requests for redactions by 27 January 2016.²

3. Due to the extent of the material to be reviewed, the Chamber then gave an extension of time limit and ordered that any submissions by the parties be filed by 28 January 2016.³

4. The Defence for Mr. Jean-Pierre Bemba Gombo in Case ICC-01/05/01/08 hereby submits its observations.

B. SUBMISSIONS

5. The Defence has reviewed the documents and transcripts listed in Annex A of the Defence Request. The following documents, in the Defence submission, can be transmitted to the parties, subject to a minimal number of redactions:

- ICC-01/05-01/08-2244-Conf
- ICC-01/05-01/08-2250-Conf-Exp-AnxA
- ICC-01/05-01/08-2250-Conf-Exp-AnxB
- ICC-01/05-01/08-2451-Conf-Exp

¹ ICC-01/05-01/08-3317-Anx1 ("Annex 1").

² Email from the Chamber of 21 January 2016 at 15:03.

³ Email from the Chamber of 27 January 2016 at 16:15.

- ICC-01/05-01/08-2862-Conf
- ICC-01/05-01/08-3200-Conf
- ICC-01/05-01/08-3203-Conf-AnxIX
- ICC-01/05-01/08-2733-Conf
- ICC-01/05-01/08-963-Conf-tENG
- ICC-01/05-01/08-1893-Conf
- ICC-01/05-01/08-2238-Conf-Exp
- ICC-01/05-01/08-T-282-CONF-EXP-ENG
- ICC-01/05-01/08-T-271-CONF-ENG
- ICC-01/05-01/08-T-253-CONF-EXP-ENG
- ICC-01/05-01/08-T-307-CONF-EXP-ENG

6. The proposed redactions are contained in the *ex parte* and confidential annexes to the present filing. The redactions are limited to those necessary to avoid revealing the identity of witnesses, or redact personal information of Mr. Bemba which has no forensic or evidential purpose.

7. Concerning document ICC-01/05-01/08-963, the Defence submits that the parties should be provided with the public redacted version of document, filed by the Defence on 21 January 2016.⁴

8. The Defence has no other observations concerning the remaining documents listed in the Request.

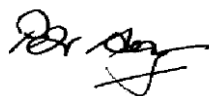
C. RELIEF REQUESTED

9. In light of the above, the Defence requests that the Chamber:

GRANT the Defence Request, subject to the observations contained in the present filing and its *ex parte* annexes.

⁴ ICC-01/05-01/08-963-Red.

The whole respectfully submitted.



Peter Haynes QC

Lead Counsel for Mr. Jean-Pierre Bemba

Done at The Hague, the Netherlands, 28 January 2016