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

Date: 15/02/2016

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***

Public with Confidential Annex A

**Defence Request to designate an officer pursuant to Rule 68(2)(ii) of the Rules of
Procedure and Evidence**

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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REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Other

Introduction

1. The Defence for Mr. Jean-Pierre Bemba Gombo respectfully requests the Honourable Trial Chamber to designate an officer to witness the declaration of Defence witness D20-002 under Rule 68(2)(ii) of the Rules of Procedure and Evidence.
2. D20-002 provided written responses to queries from the Defence, and agreed for this information to be admitted into evidence in this case.
3. Prior to the submission of the witness list, D20-002 verbally agreed to provide a signed declaration concerning the fact that the information he had provided was true and correct to the best of his knowledge and belief. On 11 February 2016, D20-002 provided written confirmation as regards his consent to provide a Rule 68(2)(ii) declaration as concerns the information he had provided to the Defence.¹
4. The Defence notes the practice of this Chamber firstly, to authorise the Registry Legal Counsel, or anyone delegated by him, to perform this role, and secondly, to defer the Chamber's consideration as to the potential applicability of Rule 68(2) until such time that the statement is tendered into evidence.²
5. The Defence submits that it would be appropriate to apply the same approach to the current request.

¹ Confidential, Annex A. This was disclosed to the parties on 15 February 2016.

² ICC-01/05-01/13-1109

Relief sought

6. The Defence for Mr. Bemba respectfully requests the Trial Chamber to authorise the Registry Legal Counsel, or anyone designated by him, to witness the declaration of D20-002, pursuant to Rule 68(2)(b) of the Rules.



Melinda Taylor
Counsel of Mr. Jean-Pierre Bemba

Dated this 15th of February 2016

The Hague, The Netherlands