

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 06/04/2016

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

**Defence Request for Leave to Reply to the Prosecution and Legal Representative
of Victims' Responses to the "Urgent Defence Request for Authorisation to
Contact P-15"**

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

Applicants

(Participation/Reparation)

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. Pursuant to Regulation 24(5) of the Regulations of the Court, the Defence seeks leave of Trial Chamber III ('the Trial Chamber') to reply to the Prosecution's Response to "Urgent Defence Request for Authorisation to Contact P-15" and the Legal Representative of Victims' Réponse de la Représentante légale des victimes à l'« Urgent Defence Request for Autorisation to Contact P-15 » ("LRV Response") (together "Responses").

2. For the reasons set out below, the Defence submits that a limited and focused reply will assist the Chamber in its determination of the Defence Request.¹

B. SUBMISSIONS

3. Both the Responses wholly misconstrue the Defence Request. The Defence was explicit in its request for authorisation to contact P-15 that:²

the Defence requests an opportunity to speak to the witness on behalf of Mr. Bemba to explore whether he would be in a position to assist the Trial Chamber in its deliberations in this next phase of the case

4. Arguments as to the threshold for recall of witnesses,³ or the exceptional circumstances that justify the calling of additional evidence,⁴ or the scope of the sentencing evidence,⁵ are utterly irrelevant to the question of whether the Defence is entitled to investigate in the sentencing phase, to explore whether P-15 is in a position to assist the Trial Chamber, or whether he can point the Defence in the direction of someone who can.

¹ ICC-01/05-01/08-3350-Conf ('Defence Request').

² ICC-01/05-01/08-3345-Conf.

³ ICC-01/05-01/08-3350-Conf, para. 6.

⁴ ICC-01/05-01/08-3350-Conf, para. 6.

⁵ ICC-01/05-01/08-3347-Conf, para. 13.

5. As such, the Defence seeks leave to file a short reply on whether the Prosecution or LRV present any valid ground for stifling Defence investigations or speaking with someone of undoubted relevance to the accused and the case.

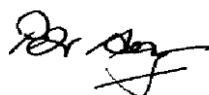
6. Should leave be granted, the Defence undertakes to be able to file its reply within a very limited timeframe.

C. REQUESTED RELIEF

7. Given the above, the Defence respectfully requests that the Chamber:

GRANT the Defence request for leave to reply to the Prosecution Response and LRV Response.

The whole respectfully submitted.



Peter Haynes QC

Lead Counsel for Mr. Jean-Pierre Bemba

Done at The Hague, The Netherlands

6 April 2016