



Original: English

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

Date: 21/06/2016

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 BABALA WANDU AND NARCISSE ARIDO***

Public with Confidential Annex A

**Public Redacted Version of “Defence Request to File a Revised, Corrected List of
Evidence”**

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

James Stewart

Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Melinda Taylor

Counsel for Aimé Kilolo Musamba

Paul Djunga Mudimbi

Steven Powles

Counsel for Jean-Jacques Mangenda Kabongo

Christopher Gosnell

Arthur Vercken

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Roland Azama Shalie Rodoma

Counsel for Narcisse Arido

Charles Achaleke Taku

Beth Lyons

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Other**

1. The Defence for Mr. Jean-Pierre Bemba respectfully requests the authorisation of the Trial Chamber to add discrete items to its list of evidence. Ten items were inadvertently left off the list, and four items (an email and three related open source documents) were received by the Defence after the deadline.
2. The items which were inadvertently left off the list of evidence are comprised of:
 - i. Five audio-files of conversations between Mr. Bemba and Mr. Babala. The audio-files were transmitted by the Registry to the parties on 17 June 2014, and included in the 21 January 2016 Defence disclosure. The Defence also included the related French transcripts on its list of evidence.¹
 - ii. An open source report from the International Bar Association dated 1 November 2012. This report was included in the Defence disclosure of 21 January 2016.
 - iii. An open source report from UNODOC dated 1 January 2008. The report was included in the Defence disclosure of 21 January 2016;
 - iv. An open source article concerning the Comité des Sages - RDC Assemblée Nationale, which was included in the Defence disclosure of 21 January 2016;
 - v. An open source document concerning the 'Members of the National Assembly of the Democratic of the Congo 2006-11'

¹ Audio - CAR-D20-0006-1033 (TRANSCRIPT - CAR-D20-0006-1019)
 Audio -CAR-D20-0006-1032 TRANSCRIPT - CAR-D20-0006-1018)
 Audio -CAR-D20-0006-1031 (TRANSCRIPT - CAR-D20-0006-1016)
 Audio -CAR-D20-0006-1034 (TRANSCRIPT - CAR-D20-0006-1015)
 Audio - CAR-D20-0006-1035 (TRANSCRIPT - CAR-D20-0006-1022)

which was included in the Defence disclosure of 21 January 2016; and

- vi. An email from [REDACTED] to Me. Kilolo dated 9 March 2012, which was part of a series of attachments, which were included on the filed list, and disclosed on 21 January 2016 (only this email was inadvertently omitted from the list and disclosure batch due to accidental deletion which occurred when the Defence attempted to delete duplicates).
3. The above items were disclosed timeously to the parties.
 4. After the 4pm deadline, the Defence also received information from the ICTY Court Management Section. The Defence was uncertain as to whether it would receive a response to its queries, and for that reason, had not requested an extension of time.
 5. The information received is comprised of one email, three links to open source materials, and an attachment which sets out the questions posed by the Defence. Courtesy copies were transmitted on 21 January 2016, and the Defence will effect formal disclosure to the parties on 22 January 2016.
 6. The Defence has included all of the above items on the courtesy copy of the 'Revised Corrected List of Evidence', which was circulated on 21 January 2106, attached as Annex A. The items are in red.
 7. The Defence respectfully submits that in light of the minimal delay between the 4pm deadline imposed by the Trial Chamber, and the time on which the Defence notified these items to the Trial Chamber and the parties, there are grounds to allow the Defence to include these items on its list.

Relief sought

8. For the reasons set out above, the Defence for Mr. Bemba requests the Trial Chamber to authorise the Defence to include the above-referenced items in the 'Revised Corrected List of Evidence' (Annex A).



Melinda Taylor
Counsel of Mr. Jean-Pierre Bemba

Dated this 21st day of June, 2016

The Hague, the Netherlands