

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **02/02/2014**

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

**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
& NARCISSE ARIDO**

Confidential Document

Defence request for disclosure

Source: Defence 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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**Legal Representatives of the
Victims**

**Legal Representatives of the
Applicants**

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for
the Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

Introduction

The Defence for Jean-Pierre Bemba Gombo ("the Suspect") hereby requests that the Single Judge order the Prosecutor to disclose documentation substantiating an assertion put by one of her investigators to the co-suspect Jean-Jacques Mangenda ("Mangenda") in interview.

Submission

1. [REDACTED] is an investigator in the Office of the Prosecutor.
2. On 25 November 2013, [REDACTED] and a number of other officials interviewed Mangenda under caution.¹
3. Towards the end of the interview,² the following exchange took place between [REDACTED] (identified as [REDACTED]) and Mangenda:

[REDACTED]

4. From the above cited passage, it is clear that [REDACTED] is suggesting to Mangenda that, as of 25 November 2013, members of the Office of the Prosecutor had spoken or were speaking with the co-suspect Fidèle Babala ("Babala").

¹ CAR-OTP-0074-0717.

² CAR-OTP-0074-0795.

5. Among the materials disclosed to date, Counsel for the Suspect has found no evidence of any meeting, conversation or interview between Babala and members of the Office of the Prosecutor. A record of such a meeting, conversation or interview, if it even took place, is of paramount importance to the preparation of the Suspect's defence. Such a record, if it exists, would have been in the possession of the Prosecutor before 31 January 2014 and should thus have been disclosed, subject to a request for redactions, on 31 January 2014 pursuant to Rule 77 of the Rules of Procedure and Evidence or Rule 67(2) of the Rome Statute.

Confidentiality

6. This filing is submitted confidentially because it cites evidence emanating from a co-suspect which was disclosed confidentially on 31 January 2014.

Regulation 35(2) of the Regulations of the Court

7. The existence of materials relating to a conversation or meeting between Babala and her investigators is something which the Prosecutor may verify with ease. The Defence thus submits that good cause exists to order an immediate response from the Prosecutor in order to prevent any delay to the schedule fixed for the confirmation proceedings.

Relief Sought

8. In light of all the aforementioned, the learned Single Judge is requested to order the Prosecutor to disclose the documentation substantiating the assertion put by [REDACTED] to Mangenda.



Nicholas Kaufman

Counsel for Jean-Pierre Bemba Gombo

Jerusalem, Israel
Sunday, February 02, 2014