

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/05-01/13
Date: **2 November 2016**

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, 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
and NARCISSE ARIDO***

Public

**Decision on the Bemba Defence Request for Authorisation to File 23 Documents in
Case ICC-01/05-01/08**

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda Kabongo

Mr Christopher Gosnell

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Charles Achaleke Taku

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

Mr Peter Haynes, Counsel for Jean-Pierre Bemba Gombo in case ICC-01/05-01/08

Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber VII ('Single Judge' and 'Chamber', respectively) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, having regard to Regulation 23 bis of the Regulation of the Court, issues the following 'Decision on the Bemba Defence Request for Authorisation to File 23 Documents in Case ICC-01/05-01/08'.

1. On 25 October 2016, the defence for Mr Jean-Pierre Bemba Gombo ('Bemba Defence') in case ICC-01/05-01/08 ('Main Case') submitted a request for authorisation to file 23 documents, classified as 'confidential' in the present case, in the record of the Main Case ('Request').¹ The Bemba Defence, wishing to introduce this material as additional evidence on appeal in the Main Case, notes that the Office of the Prosecutor ('Prosecution') and the Bemba Defence already have this material in its possession and highlights the intention to maintain the confidential classification of the documents.²
2. The Request was made pursuant to an order by the Appeals Chamber requiring the Bemba Defence, subject to authorisation from this Chamber, to file the 23 documents in the record of the Main Case, in order for them to be available to all parties and participants (in particular the legal representative of victims).³
3. The Prosecution, the defence for Mr Bemba in this case and the defence for Mr Mangenda and Kilolo communicated, via email, that they did not have any objections to the Request.⁴ No other responses were submitted.

¹ Defence request for authorisation to file 23 documents in case ICC-01/05-01/08, ICC-01/05-01/13-1991-Conf, with confidential Annex A.

² Request, ICC-01/05-01/13-1991-Conf, paras 12 and 15.

³ Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Decision on the Request of Legal Representative of Victims for Access to Documents, 17 October 2016, ICC-01/05-01/08-3445-Conf.

⁴ Email from the Prosecution to Trial Chamber VII Communications, 26 October 2016 at 11:34. Emails from the defence of Mr Bemba in this case, the Mangenda and Kilolo Defence, 28 October 2016 at 9:27, 15:14 and 15:35.

4. Therefore, in light of the above, the Single Judge authorises the filing of the 23 documents, listed in the confidential Annex A of the Request, in the record of the Main Case.⁵
5. Further, the Single Judge is of the view that the Request does not contain any confidential information and notes that the Bemba Defence does not object to its reclassification.⁶ Accordingly, he instructs the Registry to reclassify the Request as public.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request; and

INSTRUCTS the Registry to reclassify the Request (ICC-01/05-01/13-1991-Conf) as public.

Done in both English and French, the English version being authoritative.



Judge Bertram Schmitt, Presiding Judge

Dated 2 November 2016

At The Hague, The Netherlands

⁵ The reproduction of certain aspects of four of the documents in question (CAR-OTP-0077-1407; CAR-OTP-0077-1414; CAR-OTP-0079-0114; CAR-OTP-0080-0228), in the public redacted version of the judgment rendered in this case, does not alter the confidential classification of those documents.

⁶ Request, ICC-01/05-01/13-1991-Conf, para. 17.