

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 11 March 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, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

Public Redacted document

Public Redacted version of "Prosecution's Response to the Mangenda Defence Réponse Jointe à la 'Requête aux Fins d'Accès aux Enregistrements soumis par les Autorités Néerlandaises au Conseil Indépendant de la Défense de Maître Aimé KILOLO MUSAMBA et à la 'Défense Request for Disclosure of Information Pertaining the Independent Counsel de la Défense de Monsieur Jean-Pierre BEMBA GOMBO du 20 février 2014'", 11 March 2014, ICC-01/05-01/13-246-Conf

Source: The Office of the Prosecutor

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 the Defence of Jean-Pierre
Bemba**

Nicholas Kaufman

**Counsel for the Defence of Aimé Kilolo
Musamba**

Ghislain Mabanga

Catherine Mabilie

**Counsel for the Defence of Jean –
Jacques Mangenda Kabongo**

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Others**

I. Introduction

1. The Office of the Prosecutor (“Prosecution”) hereby responds to the Mangenda Defence’s request for: (a) the disclosure of information pertaining to the identity of the Independent Counsel appointed by the Single Judge to review recorded telephone communications for relevance and to exclude privileged information;¹ and (b) access to the records submitted by the Dutch authorities to the Independent Counsel pertaining to these recordings (“Request”).² The Request should be dismissed as moot and otherwise without merit.

II. Confidentiality

2. This filing is classified as “Confidential” as it refers to material that is so designated. A “Public” redacted version will be filed.

III. Submissions

A. The Request is moot

3. The Mangenda Defence’s request to obtain access to the records provided by the Dutch authorities to the Independent Counsel regarding the recorded telephone communications is moot. The Single Judge granted the parties access to this material on 21 February 2014.³

¹ ICC-01/05-52-Red2, p. 7.

² [REDACTED].

³ [REDACTED].

B. The Request fails on the facts and the law

4. The Request joins the Bemba Defence's Request for Disclosure.⁴ The Prosecution incorporates by reference its Response to the Bemba Request.⁵

5. As the Request introduces no additional arguments to those advanced by the Bemba Defence,⁶ it fails for the same reasons, namely: (a) the law does not support the relief sought; and (b) the facts cited are speculative and unfounded.⁷

IV. Requested Relief

6. For the foregoing reasons, the Prosecution respectfully requests the Chamber to dismiss the Request in its entirety.



Fatou Bensouda, Prosecutor

Dated this 11th Day of March 2014

At The Hague, The Netherlands

⁴ ICC-01/05-01/13-209.

⁵ ICC-01/05-01/13-237-Red, pp. 3-5.

⁶ [REDACTED].

⁷ ICC-01/05-01/13-237-Red.