

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 13 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 Babala Defence  
Adjonction "à la Requête formulée par la Défense de monsieur Aimé Kilolo  
Musamba «aux fins d'accès aux enregistrements soumis par les autorités  
néerlandaises au conseil indépendant nommé par décision ICC-01/05-52-red2» (ICC-  
01/05-01/13-210-Conf)", 12 March 2014, ICC-01/05-01/13-252-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 Babala Defence’s request for access to records submitted by the Dutch authorities to the Independent Counsel pertaining to recorded telephone communications which the Single Judge assigned Independent Counsel to review for relevance to the case and to exclude privileged material (“Request”).<sup>1</sup> The Request should be dismissed as moot.

## **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**

3. The Babala 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.<sup>2</sup>

---

<sup>1</sup> [REDACTED].

<sup>2</sup> [REDACTED].

#### IV. Requested Relief

4. For the foregoing reason, the Prosecution respectfully requests the Chamber to dismiss the Request.



---

**Fatou Bensouda, Prosecutor**

Dated this 13<sup>th</sup> Day of March 2014

At The Hague, The Netherlands