



Original: **English**

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

Date: **30/04/2014**

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**

Public Redacted Document

**Defence request to be present at the forensic acquisition
of materials pursuant to decision ICC-01/05-01/13-366-Conf**

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

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Ghislain Mabanga

Counsel for Jean-Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Goran Kimo Sluiter

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

On 25 April 2014, the Single Judge ordered the Registry “*to liaise with the Prosecutor and Defence teams, with a view to making it possible for them to be present upon the ... forensic acquisition of the DVD’s* [containing the Email accounts of Aime Kilolo and Jean-Jacques Mangenda”] *if they so wish*” [emphasis added] (“the forensic acquisition”).¹

Jean-Pierre Bemba Gombo (“the Suspect”) wishes – indeed insists - that herein undersigned Counsel be present at the aforementioned forensic acquisition. It is his right. Even the Single Judge said so and ruled so. The forensic acquisition has been fixed for 22 May 2014.

The Registrar has denied the Suspect financial legal assistance twice and the Presidency is yet to rule on Counsel’s request for judicial review of the Registrar’s second decision.

Counsel made his [REDACTED] request for [REDACTED] on 3 March 2014. The Single Judge has delivered no decision on this request.

Consequently, the Suspect has had no ability to conduct any form of defence investigation.

Herein undersigned Counsel has not been paid throughout the life of this case and is forbidden from funding the Suspect’s costs and expenses out of his own pocket.

In light of the aforementioned, the Single Judge is requested to rule, forthwith, on the [REDACTED] Defence request for [REDACTED]. Failing the aforementioned, the Single Judge is requested to order the suspension of the forensic acquisition until the Suspect is provided with the financial means to permit him to pay herein undersigned Counsel to be in attendance at the said procedure.



Nicholas Kaufman

Counsel for Jean-Pierre Bemba Gombo

The Hague, The Netherlands

Wednesday, April 30, 2014

¹ ICC-01/05-01/13-366-Red at page 10.