

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 April 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 and NARCISSE ARIDO*

Public

Decision on the “Defence request for the disclosure of information pertaining to the Independent Counsel” submitted on 20 February 2014 by the Defence for Mr Bemba

Decision 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

Göran Sluiter

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

Others

REGISTRY

Registrar

Herman von Hebel

Detention Section

Victims and Witnesses Unit

Others

I, Judge Cuno Tarfusser, having been designated as Single Judge of Pre-Trial Chamber II of the International Criminal Court;

NOTING the “Defence request for the disclosure of information pertaining to the Independent Counsel” dated 20 February 2014 (“Mr Bemba’s Defence Request”)¹, whereby the Defence for Jean-Pierre Bemba requests disclosure of “information pertaining to the independence of the ‘Independent Counsel’ appointed by virtue of decision ICC-01/05-52-Red2”;

NOTING the “Prosecution’s response to the Bemba Defence request for the disclosure of information pertaining to the Independent Counsel” dated 5 March 2014 (“Prosecutor’s Response”)², requesting that the Defence Request be dismissed since “the law does not support the relief sought” and “the facts cited are speculative and unfounded”;

NOTING the “Decision reclassifying documents in the record, lifting protective measures and taking additional measures related to the implementation of Decision ICC-01/05-01/13-41-Red” dated 17 April 2014, whereby the Single Judge *inter alia* lifted the anonymity of Independent Counsel *vis-à-vis* the parties in the proceedings;

CONSIDERING that the specific profiles and issues raised in the Defence Request as requiring disclosure of additional information were premised on the persisting anonymity of Independent Counsel *vis-à-vis* the Defence teams;

CONSIDERING that, since the identity of Independent Counsel has now been disclosed to the Defence teams, the Defence Request has become moot;

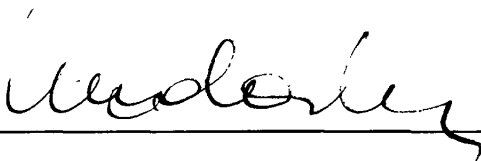
CONSIDERING that, accordingly, there is no need for the Single Judge to address the merits of the Defence Request, including in light of the Prosecutor’s Response;

¹ ICC-01/05-01/13-209.

² ICC-01/05-01/13-237-Conf.

**FOR THESE REASONS, THE SINGLE JUDGE HEREBY
DISMISSES Mr Bemba's Defence Request.**

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', is written over a solid horizontal line.

**Judge Cuno Tarfusser
Single Judge**

Dated this Thursday, 17 April 2014
The Hague, The Netherlands