

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 June 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*

Confidential

Decision on the "Defence request for a provision of a copy of the CD and DVD mentioned in the Registrar's submission ICC-01/05-01/13-410-Conf" submitted 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 “Decision on the reclassification and filing into the record of material provided by the Dutch judicial authorities” dated 16 May 2014¹;

NOTING the “Registry submissions related to the implementation of Decision ICC-01/05-01/13-403” dated 19 May 2014², whereby the Registry, *inter alia*, informed that “the format and technical features of the CD and DVD received [by the Dutch authorities] were found to be not compatible with the electronic filing system of the Court and, as it was done previously with a similar situation, the Dutch authorities were contacted and asked to provide the relevant material in a technical format which would allow its filing before the Court”;

NOTING the “Third Registry submissions related to the implementation of Decision ICC-01/05-01/13-403” dated 28 May 2014 (“Third Registry Submissions”)³, whereby the Registry (i) informed that “on Monday 26 May 2014, the Dutch authorities provided the content of the CD and DVD in a format compatible with the electronic system of the Court” and (ii) filed the content of the CD and the DVD as confidential annexes thereto;

NOTING the “Defence request for a provision of a copy of the CD and DVD mentioned in the Registrar’s submission ICC-01/05-01/13-410-Conf” dated 7 June 2014⁴, whereby the Defence for Mr Bemba requests the Single Judge “to order the immediate provision of a copy of the CD and DVD in question to Counsel and to the Suspect at his place of detention in order to permit the review of the contents thereof” (“Mr Bemba’s Defence Request” or “Request”);

¹ ICC-01/05-01/13-403.

² ICC-01/05-01/13-410.

³ ICC-01/05-01/13-438-Conf.

⁴ ICC-01/05-01/13-471-Conf.

NOTING the "Prosecution's Response to the Bemba Defence's Request for the Provision of a Copy of the CD and DVD Mentioned in the Registrar's Submission ICC-01/05-01/13-410-Conf" dated 10 June 2014⁵;

CONSIDERING that, in light of the Third Registry Submissions and of the filing of their contents, Mr Bemba already has full access to the CD and DVD in question;

CONSIDERING that, accordingly, the Request is moot;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

DISMISSES Mr Bemba's Defence Request .

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



Judge Cuno Tarfusser
Single Judge

Dated this Thursday, 12 June 2014

The Hague, The Netherlands

⁵ ICC-01/05-01/13-478-Conf.