

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 9 April 2015

**TRIAL CHAMBER VII**

**Before:** Judge Chile Eboe-Osuji, Presiding Judge  
Judge Olga Herrera Carbuca  
Judge Bertram Schmitt

**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 'Request concerning the review of seized material' and related matters**

**Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:**

**The Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

Mr Kweku Vanderpuye

**Counsel for Jean-Pierre Bemba Gombo**

Ms Melinda Taylor

**Counsel for Aimé Kilolo Musamba**

Mr Paul Djunga Mudimbi

**Counsel for Jean-Jacques Mangenda Kabongo**

Mr Christopher Gosnell

**Counsel for Fidèle Babala Wandu**

Mr Jean-Pierre Kilenda Kakengi Basila

**Counsel for Narcisse Arido**

Mr 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**

Independent Counsel

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**Trial Chamber VII** ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* ('Bemba et al. case'), having regard to Articles 64(2), 64(3), 64(6), 67 and 70 of the Rome Statute ('Statute'), Rules 73, 84 and 163 of the Rules of Procedure and Evidence ('Rules') and Regulations 23bis and 24(5) of the Regulations of the Court ('Regulations'), issues the following 'Decision on "Request concerning the review of seized material" and related matters' ('Decision').

### **I. Background and submissions**

1. On 29 July 2013, the Single Judge of Pre-Trial Chamber II ('Single Judge' and 'Pre-Trial Chamber', respectively) appointed an attorney on the List of Counsel, Fidel Nsita Luvengika ('Independent Counsel'), to review logs and recordings of telephone calls with regard to privilege and relevance, and submit a report to the Pre-Trial Chamber as to the results of his review.<sup>1</sup> On 13 December 2013<sup>2</sup> and 25 April 2014,<sup>3</sup> the Single Judge further appointed Independent Counsel to review seized material and DVDs containing email communications.
2. On 9 February 2015, the Registry made submissions to the Chamber concerning additional material seized and transferred to the Court by the Kingdom of the Netherlands ('Dutch Government') on 27 January 2015 ('Dutch Material').<sup>4</sup> The Dutch Material was collected in response to a cooperation request that the Dutch Government search the persons of

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<sup>1</sup> Decision on Prosecutor's "Request for judicial order to obtain evidence for investigation under Article 70", ICC-01/05-52-Conf.

<sup>2</sup> Decision appointing an Independent Counsel and taking additional measures for the purposes of the forensic acquisition of material seized in the proceedings, ICC-01/05-01/13-41-Conf-Exp (ICC-01/05-01/13-41-Red).

<sup>3</sup> Decision on the "Prosecution's Request to Refer Potentially Privileged Materials to Independent Counsel", ICC-01/05-01/13-366-Conf (ICC-01/05-01/13-366-Red).

<sup>4</sup> Registry submissions related to material seized in the proceedings and transferred by the Dutch authorities to the Registry on 27 January 2015, ICC-01/05-01/13-815-Conf ('February 2015 Registry Submissions'); *see also* ICC-01/05-01/13-815-Conf-Anx.

Mr Bemba, Mr Kilolo and Mr Mangenda, and their residences, vehicles, offices and other relevant locations, and seize all evidential materials discovered.<sup>5</sup> The Registry informs the Chamber that it is ready to conduct the unsealing of the Dutch Material and will contact Independent Counsel in order to do so if the Chamber decides to adopt the review procedure established by the Pre-Trial Chamber.<sup>6</sup>

3. On 19 February 2015, the Defence for Mr Bemba ('Bemba Defence') requested the Chamber to modify the procedure for reviewing additional seized material ('Bemba Defence Request'), submitting that the 'most effective, fair and efficient method for vetting privileged information is to vest this task with the [Bemba Defence]'.<sup>7</sup> It claims that (i) the Chamber, after hearing from the defence, has the power and duty to adopt its own procedure for the review of privileged information;<sup>8</sup> (ii) fairness dictates that the Chamber should adopt a new procedure, as the Single Judge did not hear from the Defence before adopting his procedure;<sup>9</sup> (iii) the Bemba Defence has knowledge of the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* and represents Mr Bemba, the only person that can waive privilege under Rule 73(1) of the Rules;<sup>10</sup> and (iv) there is 'no logical or justiciable reason to employ an independent counsel to perform the role of vetting privileged information'.<sup>11</sup>
4. On 12 March 2015, the Prosecution responded ('Prosecution Response'),<sup>12</sup> highlighting the nature of the charges and the failure of the Bemba Defence

<sup>5</sup> February 2015 Registry Submissions, ICC-01/05-01/13-815-Conf citing ICC-01/05-01/13-2-US-Exp.

<sup>6</sup> February 2015 Registry Submissions, ICC-01/05-01/13-815-Conf, paras 1-2.

<sup>7</sup> Request concerning the review of seized material, ICC-01/05-01/13-822, paras 1-2 and 46.

<sup>8</sup> Bemba Defence Request, ICC-01/05-01/13-822, paras 1 and 3-15.

<sup>9</sup> Bemba Defence Request, ICC-01/05-01/13-822, paras 16-22.

<sup>10</sup> Bemba Defence Request, ICC-01/05-01/13-822, paras 2 and 23-35.

<sup>11</sup> Bemba Defence Request, ICC-01/05-01/13-822, paras 36-45.

<sup>12</sup> Prosecution Response to Bemba Defence Request Concerning the Review of Seized Material, ICC-01/05-01/13-842-Conf with confidential Annex A. A public redacted version was filed on 13 March 2015, ICC-01/05-01/13-842-Red.

to identify any privileged information vetted by Independent Counsel that was improperly disclosed to the parties. It submits that (i) the procedure for reviewing potentially privileged material established by the Pre-Trial Chamber sufficiently protects the rights of all parties; (ii) the Bemba Defence Request advances no legal basis for its standing to review material in which Mr Bemba holds no privilege; and (iii) the mandate of Independent Counsel has not yet been fulfilled and its termination at this stage would therefore cause unnecessary delay.<sup>13</sup>

5. On the same day, the Defence for Mr Arido ('Arido Defence') responded in support of the Bemba Defence Request, submitting that, after giving the parties an opportunity to make observations, the Chamber has the power and duty to review the procedure adopted by the Single Judge, as even a restatement of the relevant procedure would provide clarity and advance expeditiousness.<sup>14</sup> If the Chamber did not adopt the review procedure proposed by the Bemba Defence, the Arido Defence submits that, following a first review by Independent Counsel, a third party (such as a Dean of a Dutch bar association, another independent counsel or the Office of Public Counsel for the defence) could decide whether the material is protected by legal privilege, privacy or other interests.<sup>15</sup>
6. On 13 March 2015, Independent Counsel made a report to this Chamber on the procedure adopted in unsealing, forensically acquiring and reviewing certain material pursuant to orders of the Single Judge ('March 2015 Report').<sup>16</sup> He reports that he was unable to access, without the proper software, the contents of the material contained on a DVD which, according

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<sup>13</sup> Prosecution Response, ICC-01/05-01/13-842-Red, paras 2-4.

<sup>14</sup> Narcisse Arido's Response to Mr Bemba's 'Request concerning the review of seized material' of 19 February 2015 (ICC-01/05-01/13-822), ICC-01/05-01/13-841 ('Arido Response'), paras 2 and 13-20.

<sup>15</sup> Arido Response, ICC-01/05-01/13-841, para. 21.

<sup>16</sup> Rapport du Conseil indépendant sur la levée des scellés et l'analyse de pièces saisies par les autorités françaises et les autorités belges (Décisions ICC-01/05-01/13-41 et ICC-01/05-01/13-366 et 446), ICC-01/05-01/13-845-Conf-Exp, with confidential, *ex parte*, Annexes A-D.

to a Belgian judge, only includes technical phone data.<sup>17</sup> Independent Counsel also identifies 35 emails sent or received from an email account belonging to Mr Arido as relevant to the proceedings and not privileged ('Arido Material'),<sup>18</sup> and, from a SIM card belonging to Mr Kilolo, 41 text messages, 196 phone calls and 77 contacts as relevant to the proceedings and not privileged ('Kilolo Material').<sup>19</sup>

7. On 16 March 2015, the Bemba Defence sought leave to reply to the Prosecution Response ('Bemba Defence Request for Leave to Reply') in order to, in the face of alleged 'misconstructions of the Defence's position and previous decisions in this case', clarify the record, and ensure that the Chamber's 'adjudication of the [Bemba Defence Request] is based on the actual arguments and positions advanced by the Defence'.<sup>20</sup>
8. On 17 March 2015, the Registry made submissions to the Chamber concerning additional material seized and transferred by the Kingdom of Belgium ('Belgian Government') to the Court on 12 March 2015 ('Belgian Material'; together with the Dutch Material, 'Seised Material').<sup>21</sup> The Belgian Material was seized in response to a cooperation request that the Belgian Government search the person of Mr Kilolo, as well as his vehicles, residences, offices and other relevant locations, and seize all evidential materials discovered.<sup>22</sup> The Registry informs the Chamber that it is ready to conduct the unsealing of the Belgian Material and, if the Chamber decides to

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<sup>17</sup> March 2015 Report, ICC-01/05-01/13-845-Conf-Exp, para. 41.

<sup>18</sup> March 2015 Report, ICC-01/05-01/13-845-Conf-Exp, para. 38; *see also* ICC-01/05-01/13-845-Conf-Exp-AnxA; ICC-01/05-01/13-845-Conf-Exp-AnxA1; ICC-01/05-01/13-845-Conf-Exp-AnxA2.

<sup>19</sup> March 2015 Report, ICC-01/05-01/13-845-Conf-Exp, paras 43-46; *see also* ICC-01/05-01/13-845-Conf-Exp-AnxB; ICC-01/05-01/13-845-Conf-Exp-AnxC; ICC-01/05-01/13-845-Conf-Exp-AnxD.

<sup>20</sup> Defence Request for Leave to Reply to Prosecution's response to Bemba Defence Request Concerning the Review of Seized Material, ICC-01/05-01/13-847-Conf.

<sup>21</sup> Report related to the material seized in the proceedings and transferred by the Belgian authorities to the Registry on 12 March 2015, ICC-01/05-01/13-850-Conf ('March 2015 Registry Submissions'); *see also* ICC-01/05-01/13-850-Conf-Anx1; ICC-01/05-01/13-850-Conf-Exp-Anx2.

<sup>22</sup> March 2015 Registry Submissions, ICC-01/05-01/13-850-Conf *citing* ICC-01/05-01/13-4-US-Exp.

adopt the review procedure established by the Pre-Trial Chamber, it will contact Independent Counsel.<sup>23</sup>

9. On 24 March 2015, the Defence for Mr Kilolo ('Kilolo Defence') requested that the Belgian Material not be reviewed by Independent Counsel ('Kilolo Defence Observations'). It submits that the Chamber should review the relevant procedure and appoint a new independent counsel, arguing that a past professional relationship between Independent Counsel and a member of the Prosecution results in a conflict of interest that is unethical and infringes fair trial rights.<sup>24</sup> On 2 April 2015, the Prosecution responded to the Kilolo Defence Observations.<sup>25</sup>

## II. Preliminary Matters

10. The Chamber notes that the Bemba Defence requests leave to reply in order to clarify the record in the face of alleged misrepresentations in the Prosecution Response. However, the Bemba Defence does not identify any new issue which arises from the Prosecution Response. In these circumstances, the Chamber considers that it has sufficient information before it in order to decide upon the Defence Request. It therefore rejects the Bemba Defence Request for Leave to Reply.
11. As a further preliminary matter, the Chamber notes that the Prosecution Response and Bemba Defence Request for Leave to Reply are classified 'confidential'. However, the Chamber does not consider that the information in these filings warrants this classification. In the interests of publicity and

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<sup>23</sup> March 2015 Registry Submissions, ICC-01/05-01/13-850-Conf, paras 1-2.

<sup>24</sup> Observations de la défense de Monsieur Aimé Kilolo Musamba suite à la notification du « Report related to the material seized in the proceedings and transferred by the Belgian authorities to the Registry on 12 March 2015 (ICC-01/05-01/13-850-Conf) », ICC-01/05-01/13-866-Conf.

<sup>25</sup> Prosecution Response to the Kilolo Defence's Observations on the 17 March 2015 Report of the Registry Related to Seized Material, ICC-01/05-01/13-888-Conf.

transparency, they will therefore be reclassified as 'public' pursuant to Regulation 23bis(3), second sentence, of the Regulations.

### III. Analysis

12. The Chamber is cognisant of the fact that the Seised Material, emanating from past investigative activities, may contain information relevant to the present proceedings. It is equally accepted that the parties have an interest in accessing the Seised Material in order to facilitate their trial preparation. However, as the Seised Material may also contain information which is privileged, including pursuant to Rule 73 of the Rules, Mr Bemba, Mr Kilolo and Mr Mangenda have an additional interest in protecting any privilege they hold in respect to the Seised Material.

13. The Chamber has taken note of the procedure, involving Independent Counsel, established by the Single Judge for the review of intercepted communications and seised material.<sup>26</sup> The Chamber agrees that such precautionary measures are necessary to ensure that relevant material, both incriminating and exculpatory, is identified and provided to the parties; that the confidentiality of any privileged material is only lifted to a necessary and proportional extent; and that privileged or irrelevant original material is promptly returned to its rightful owner.

14. The Chamber also notes that the Single Judge has already addressed and rejected arguments, repeated before this Chamber by the Bemba Defence and Arido Defence, concerning the propriety of the review procedure

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<sup>26</sup> See, *inter alia*, Decision on Prosecutor's "Request for judicial order to obtain evidence for investigation under Article 70", 29 July 2013, ICC-01/05-52-Conf; Decision appointing an Independent Counsel and taking additional measures for the purposes of the forensic acquisition of material seized in the proceedings, 13 December 2013, ICC-01/05-01/13-41-Conf (ICC-01/05-01/13-41-Red); Decision on the "Prosecution's Request to Refer Potentially Privileged Materials to Independent Counsel", 25 April 2013, ICC-01/05-01/13-366-Conf (ICC-01/05-01/13-366-Red).



previously established.<sup>27</sup> Recalling its finding above that the review procedure adopted by the Single Judge is necessary and appropriate to prevent undue access by any party to privileged information in this case, the Chamber will not engage with these repetitive submissions.

15. The Chamber further notes that the Single Judge has already addressed and rejected submissions, repeated now by the Kilolo Defence, that a conflict of interest arises from a past professional relationship between Independent Counsel and a member of the Prosecution.<sup>28</sup> Yet, the Kilolo Defence fails to demonstrate how a past relationship between Independent Counsel and a member of the Prosecution concretely impacts on Independent Counsel's impartiality or qualifications. In this regard, the Chamber notes that the Single Judge found that Independent Counsel possesses all relevant professional qualifications and skills.<sup>29</sup> The Chamber further recalls that Independent Counsel was first appointed in July 2013 and is therefore familiar with the applicable legal, technical, logistical and factual framework within which any review must be conducted. The Chamber therefore rejects the Kilolo Defence submissions concerning the past professional relationship between Independent Counsel and a member of the Prosecution.

16. In light of the above, and on the basis of Articles 64(2), 64(3), 64(6), and 67 of the Statute and Rules 73, 84, and 163 of the Rules, the Chamber decides to

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<sup>27</sup> See ICC-01/05-01/13-366-Red, page 8.

<sup>28</sup> See Decision on the request for disqualification of Independent Counsel filed by the Defence of Jean-Pierre Bemba Gombo, 25 April 2014, ICC-01/05-01/13-362-Conf (ICC-01/05-01/13-362-Red); Decision on the "Defence request to compel the attendance of the Independent Counsel for examination during the confirmation proceedings" submitted by the Defence for Jean-Pierre Bemba Gombo", 4 June 2014, ICC-01/05-01/13-457, page 4 (The past, professional relationship between Independent Counsel and a member of the Prosecution is 'per se neutral vis-à-vis the determinations the Chamber will have to make for the purposes of its final decision').

<sup>29</sup> Decision on Prosecutor's "Request for judicial order to obtain evidence for investigation under Article 70", 29 July 2013, ICC-01/05-52-Conf, para. 8; Decision on the "Prosecution's Request to Refer Privileged Materials to Independent Counsel", 25 April 2014, ICC-01/05-01/13-366-Conf, page 8; see also Decision on the "Defence request to compel the attendance of the Independent Counsel for examination during the confirmation proceedings" submitted by the Defence for Jean-Pierre Bemba Gombo", 4 June 2014, ICC-01/05-01/13-457, pages 4-5 (The Single Judge noted that Independent Counsel had always shown full awareness of the need to comply with the 'relevant normative framework, with particular regard to the obligations set forth by the relevant bar association', and that compliance by Independent Counsel with relevant ethical provisions was attested to by the Dutch judicial authorities).

maintain the review procedure as established by the Single Judge, subject to the modifications detailed below in relation to the unsealing process. Accordingly, the Chamber considers it appropriate to appoint Fidel Nsita Luvengika as Independent Counsel and to task him with (i) being present at the unsealing of the Seised Material and (ii) conducting an initial review of the Seised Material, for the primary purpose of identifying material which is relevant to the charges and not privileged.

17. Unless ordered otherwise, the procedure adopted in this Decision for the review of the Seised Material shall be used, *mutatis mutandis*, for all material transmitted to the Court in relation to the *Bemba et al.* case which has the potential to be privileged. The Chamber clarifies that the procedure hereby adopted is necessarily without prejudice to the Chamber's other statutory obligations, including to rule on the relevance or admissibility of any evidence at the appropriate time pursuant to Article 69 of the Statute.

18. Below, the Chamber sets out in more detail the steps to be undertaken by the parties, Registry and Independent Counsel.

#### *Unsealing of the Seised Material*

19. Independent Counsel shall be present at the place and time when representatives of the Registry will proceed with the unsealing of the Seised Material and shall thereafter review the Seised Material with a view to identifying any item which is privileged or otherwise obviously irrelevant for the purposes of these proceedings.

20. After the unsealing of the Seised Material, Independent Counsel and the Registry shall promptly make a joint report to the Chamber, notified to all parties, briefly describing (i) the unsealing process (including details as to the time, place, attendance and procedure); (ii) the volume and type of

materials unsealed and recommendations as to further action to be taken (for example, forensic acquisition<sup>30</sup>); (iii) the status of any original material, in particular, the identity of its rightful owner and a recommendation as to its return; and (iv) an estimate as to the amount of time Independent Counsel will need to conduct his review. In this report, the Registry and Independent Counsel shall take care to avoid the inclusion of either details as to the substantive content of the Seised Material or information about specific items in any way that may reveal potentially privileged information.

21. The Chamber acknowledges that the Single Judge permitted the parties to be present at the unsealing of seised material. However, the Chamber sees little, if any, added value in continuing this aspect of the review procedure at this time insofar as it risks some, even if minimal, exposure of privileged information and may result in scheduling difficulties, unnecessary expense and potential delays. The Chamber emphasises that the Registry and Independent Counsel are neutral and independent. They are to conduct the unsealing of the Seised Material (which is a technical, inventory process) accordingly. As provided above, they will report to the Chamber and parties the results of this process.

*Initial review of and observations on the Seised Material*

22. Upon completion of his review of the Dutch Material, Independent Counsel shall promptly submit a confidential, *ex parte* report to the Chamber, notified also to the Bemba Defence, Kilolo Defence and the Defence for Mr Mangenda ('Mangenda Defence') (representing the owners of and potential privilege-holders in this material), detailing the results of his review, in particular, that material he considers to be relevant and not privileged.

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<sup>30</sup> The Registry has previously explained this process as follows: 'With regards to files/materials on electronic devices, it is necessary as a first step that a forensic copy (referred to as acquisition) be made of the devices. It is on this forensic copy that any search can be made'. See Corrected version of Registry's report on seized evidence and request for guidance on further processing, 4 December 2013, ICC-01/05-01/13-27-US-Exp-Corr, page 5.

Within 5 days of being notified, the Bemba Defence, Kilolo Defence and Mangenda Defence may make observations on the report, if any.

23. Likewise, upon completion of his review of the Belgian Material, Independent Counsel shall promptly submit a confidential, *ex parte* report to the Chamber, notified also to the Bemba Defence and Kilolo Defence (representing the owner of and potential privilege-holders in this material), detailing the results of his review, in particular, that material he considers to be relevant and not privileged. Within 5 days of being notified of this report, the Bemba Defence and Kilolo Defence may make observations on the report, if any.

*Observations on the Arido Material and Kilolo Material*

24. In relation to the Arido Material and Kilolo Material, which is the subject of the March 2015 Report made by Independent Counsel, the Chamber considers that the March 2015 Report itself contains no information which may be privileged, but does contain information relevant to the parties' trial preparation. It should therefore be reclassified as 'confidential'. Further, the Chamber deems it appropriate to notify the Arido Defence, as the owner of the Arido Material, of Annexes A, A1 and A2 to the March 2015 Report.<sup>31</sup> The Chamber also deems it appropriate to notify the Kilolo Defence, as the owner of the Kilolo Material, and the Bemba Defence, as a potential privilege-holder in the Kilolo Material, of Annexes B, C and D to the March 2015 Report.<sup>32</sup> Within 5 days of being notified of the March 2015 Report and relevant annexes, the Arido Defence, Kilolo Defence and Bemba Defence may make observations thereupon, if any.

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<sup>31</sup> ICC-01/05-01/13-845-Conf-Exp-AnxA; ICC-01/05-01/13-845-Conf-Exp-AnxA1; ICC-01/05-01/13-845-Conf-Exp-AnxA2.

<sup>32</sup> ICC-01/05-01/13-845-Conf-Exp-AnxB; ICC-01/05-01/13-845-Conf-Exp-AnxC; ICC-01/05-01/13-845-Conf-Exp-AnxD.

*Status update on material transmitted to the Court for purposes of the Bemba et al. case*

25. Finally, in order to properly organise the upcoming trial proceedings and to ensure that the rights of all interested parties and persons are respected, the Chamber considers it appropriate to order the Registry to report to the Chamber, by 17 April 2015, on the material transmitted to the Court for purposes of the *Bemba et al.* case that (i) has not been unsealed and/or forensically acquired for any reason, including for technical reasons (with the exception of the Seised Material addressed above);<sup>33</sup> (ii) has been unsealed and/or forensically acquired, but has not yet been provided to the parties (with the exception of the Kilolo Material and Arido Material addressed above); and (iii) has not been returned to its rightful owner or otherwise disposed of. In this report, the Chamber requests the Registry to indicate their recommendations as to action to be taken in relation such material. This report shall also be notified to all parties provided it does not include any potentially privileged information.

**FOR THE FOREGOING REASONS THE CHAMBER HEREBY**

**REJECTS** the Bemba Defence Request for Leave to Reply;

**APPOINTS** Fidel Nsita Luvengika as Independent Counsel tasked with (i) being present at the unsealing of the Seised Material; (ii) reviewing the Seised Material; and (iii) promptly reporting to the Chamber following the procedure outlined in paragraphs 19-23 above;

**ORDERS** the Registry to conduct the unsealing of the Seised Material and report thereupon following the procedure outlined in paragraphs 19-21 above;

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<sup>33</sup> This includes the material which the Independent Counsel submits that he could not review because he did not have the appropriate software. See March 2015 Report, ICC-01/05-01/13-845-Conf-Exp, para. 41.

**GRANTS** the Bemba Defence, Kilolo Defence and Mangenda Defence the opportunity to make observations, if they so wish, on Independent Counsel's report(s) concerning the Seised Material, following the procedure outlined in paragraphs 22-23 above;

**GRANTS** the Arido Defence, Kilolo Defence and Bemba Defence the opportunity to make observations, if they so wish, on the March 2015 Report and relevant annexes within 5 days of being notified thereof;

**ORDERS** the Registry to report to the Chamber on the status of material transmitted to the Court in relation to these proceedings following the procedure outlined in paragraph 25 above by 17 April 2015;

**ORDERS** the Registry to reclassify the Prosecution Response (ICC-01/05-01/13-842-Conf) and Bemba Defence Request for Leave to Reply (ICC-01/05-01/13-847-Conf) as 'public';

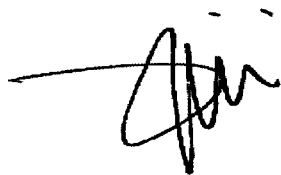
**ORDERS** the Registry to reclassify the March 2015 Report (ICC-01/05-01/13-845-Conf-Exp) as 'confidential';

**ORDERS** the Registry to notify the Arido Defence of Annexes A, A1 and A2 to the March 2015 Report (ICC-01/05-01/13-845-Conf-Exp-AnxA, ICC-01/05-01/13-845-Conf-Exp-AnxA1 and ICC-01/05-01/13-845-Conf-Exp-AnxA2);

**ORDERS** the Registry to notify the Kilolo Defence and Bemba Defence of Annexes B, C and D to the March 2015 Report (ICC-01/05-01/13-845-Conf-Exp-AnxB, ICC-01/05-01/13-845-Conf-Exp-AnxC and ICC-01/05-01/13-845-Conf-Exp-AnxD); and

**REJECTS** all other requests.

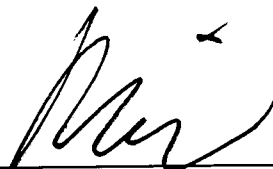
Done in both English and French, the English version being authoritative.



**Judge Chile Eboe-Osuji, Presiding**



**Judge Olga Herrera Carbuccion**



**Judge Bertram Schmitt**

Dated 9 April 2015

At The Hague, The Netherlands