

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 May 2015

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
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***

Public

**Decision on the request of the Defence for Mr Kilolo and Mr Bemba related to the
monitoring of communications**

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

Charles Achaleke Taku

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

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, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, having regard to Article 64(10) of the Rome Statute, issues the following 'Decision on the requests of the Defence for Mr Kilolo and Mr Bemba related to the monitoring of communications'.

1. On 13 April 2015, the defence for Mr Bemba and the defence for Mr Kilolo (together, the 'Defence'), submitted their respective observations in preparation for the first status conference convened on 24 April 2015.¹
2. In their observations, the Defence requested the Chamber to order the Office of the Prosecutor ('Prosecution') to confirm whether the accused and their counsel were under electronic surveillance by the Prosecution, or at the instance of the Prosecution ('Request').²
3. At the status conference on 24 April 2015, the Chamber directed the Prosecution to respond to the Request in writing by 1 May 2015.³
4. Accordingly, the Prosecution filed its response on the aforementioned date, confirming that, other than what was already known to the parties, Mr Bemba, Mr Kilolo and their respective counsel were not under electronic surveillance. It therefore submitted that the Chamber should dismiss the Request as moot.⁴

¹ Observations of the Defence for Mr. Jean-Pierre Bemba Gombo on the Agenda of the First Status Conference, ICC-01/05-01/13-896-Red, with confidential Annex A, a confidential version was filed on the same day; Observations de la Défense de monsieur Aimé Kilolo en vue de la première conférence de mise en état, ICC-01/05-01/13-904-Red, notified on 14 April 2015, a confidential version was also filed on 13 April 2015.

² Observations, ICC-01/05-01/13-896-Red, para. 6; ICC-01/05-01/13-904-Red, para. 48-49.

³ Transcript of hearing on 24 April 2015, ICC-01/05-01/13-T-8-CONF-ENG ET, page 6, lines 19-23.

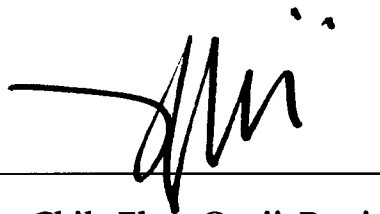
⁴ Prosecution's Response to the Bemba and Kilolo Defence pursuant to the Trial Chamber VII's 24 April 2015 Order, ICC-01/05-01/13-927, paras 2-4.

5. The Chamber considers that, given the information from the Prosecution, the Request is moot.⁵

FOR THE FOREGOING REASONS THE CHAMBER HEREBY

DISMISSES the Request as moot.

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



Judge Chile Eboe-Osuji, Presiding



Judge Olga Herrera Carbuccion



Judge Bertram Schmitt

Dated 7 May 2015

At The Hague, The Netherlands

⁵ In this regard, see also Decision on the request of Mr Babala related to telephone surveillance, 20 April 2015, ICC-01/05-01/13-915.