

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 19 October 2015

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, 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 Request from the Bemba Defence to Access Unredacted Version of
Communication**

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 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

Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber VII ('Single Judge' and 'Chamber', respectively) 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 Articles 64 and 67(1)(b) of the Rome Statute and Rule 73 of the Rules of Procedure and Evidence, issues the following 'Decision on Request from the Bemba Defence to Access Unredacted Version of Communication'.

1. On 16 October 2015, the defence team for Mr Bemba filed a submission¹ requesting full access to a call between Mr Kilolo and D-15 ('Call').² The Call was provided to the parties in redacted form on grounds that the Independent Counsel concluded that most of the Call was privileged.³
2. For other privileged materials reviewed by the Independent Counsel, the Chamber previously considered that the Bemba Defence should be given complete access to these materials because of the interest it has in them.⁴ The Single Judge sees no reason to depart from this practice – the relief sought is granted.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

ORDERS the Registry to provide the unredacted version of the Call to the Bemba Defence forthwith.

¹ Request from the Defence for Mr Bemba to access unredacted version of communication, ICC-01/05-01/13-1389.

² CAR-OTP-0080-1417 (audio); CAR-OTP-0082-0609 (Communication N° ID 1000092240879). The unredacted Call can be found at Annex B057 of the Third Registry submissions related to the implementation of Decision ICC-01/05-01/13-403, 28 May 2014, ICC-01/05-01/13-438-Conf-Exp-AnxB057.

³ Troisième rapport du Conseil indépendant (période du 16 octobre au 23 novembre 2013), 22 May 2014, ICC-01/05-01/13-421-Conf, para. 12 (second bullet point). *See also* ICC-01/05-01/13-421-Conf-Anx, pages 107-08.

⁴ Decision Providing Materials in Two Independent Counsel Reports and Related Matters, 15 May 2015, ICC-01/05-01/13-947, paras 40-41; Decision on 'Request concerning the review of seized material' and related matters, 9 April 2015, ICC-01/05-01/13-893-Red, para. 12.

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

A handwritten signature in black ink, appearing to be 'BS', is written above a solid horizontal line.

Judge Bertram Schmitt, Single Judge

Dated 19 October 2015

At The Hague, The Netherlands