

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **27 August 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, AIME KILOLO  
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU  
AND NARCISSE ARIDO***

**Confidential Document**

**Prosecution's Response to Babala's Urgent Request Regarding Contact Details  
of Four Prosecution Witnesses**

**Source: The Office of the Prosecutor**

**Document 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

Mr Steven Sacha Powles

**Counsel for Jean-Jacques Mangenda Kabongo**

Mr Christopher Michael Gosnell

Mr Arthur Vercken De Vreuschmen

**Counsel for Fidèle Babala Wandu**

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Azama Shalie Rodoma

**Counsel for Narcisse Arido**

Mr Charles Achaleke Taku

Mr Philippe Larochelle

**The Office of Public Counsel for Victims****The Office of Public Counsel for the Defence****States Representatives****Amicus Curiae****REGISTRY****Registrar**

Mr Herman von Hebel

**Counsel Support Section****Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section****Victims Participation and Reparations Section Others**

## **I. Introduction**

1. Babala's request to, *inter alia*, order the Office of the Prosecutor ("Prosecution") to seek the consent of P-0020, P-0264, P-0263 and P-0270 to meet with his Defence team ("Request")<sup>1</sup> should be dismissed as moot, for the reasons set out below.

## **II. Confidentiality**

2. This filing is classified as "Confidential", as it responds to a filing of the same designation. The Prosecution does not oppose its reclassification as "Public".

## **III. Submissions**

3. Contrary to Babala's assertion, the Prosecution's silence in relation to his request to contact these witnesses was not deliberate,<sup>2</sup> but inadvertent.

4. In fact, the Prosecution contacted P-0020, P-0264, P-0263 and P-0270 on 3, 4, 5 and 7 August 2015, respectively. All but P-0270 declined contact with the Babala Defence. However, this information was unfortunately not communicated to Babala, due to an oversight.

5. The Prosecution provided the Babala Defence with the above information and P-0270's contact details *via* email on the evening of 26 August. Accordingly, Babala's Request is moot.

---

<sup>1</sup> ICC-01/05-01/13-1174-Conf.

<sup>2</sup> *Ibid.*, para.18.

#### IV. Relief Requested

6. For the foregoing reasons, the Prosecution requests the Chamber to dismiss the Request as moot.



---

**Fatou Bensouda, Prosecutor**

Dated this 27<sup>th</sup> Day of August 2015  
At The Hague, The Netherlands