

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/05-01/13
Date: 13 October 2016

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 Arido Defence Response to Prosecution Disclosure Notification

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

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

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 Rule 134(3) of the Rules of Procedure and Evidence, issues the following 'Decision on Arido Defence Response to Prosecution Disclosure Notification'.

1. On 11 October 2016, the Office of the Prosecutor ('Prosecution') filed a notification indicating its disclosure of a summary of an interview with D-4.¹ The Prosecution filed its notification confidentially, indicating that a public redacted version would be filed.
2. On 13 October 2016, the defence for Mr Arido ('Arido Defence') filed a response to this notification, objecting to its use as a 'backdoor to unduly influence the Trial Chamber in their Judgement'.² The Arido Defence requests the Chamber to 'reject' the Prosecution's notification and maintain its current confidential classification.
3. The Single Judge considers the Arido Defence's relief sought to be inapposite. The Prosecution's disclosure notification is merely a formal act confirming that it has complied with its statutory disclosure obligations. It did not seek any relief. The Prosecution likewise does not indicate that it seeks to change the confidential classification of its filing, only that it seeks to file a public redacted version. As to the Arido Defence's concerns regarding undue influence on the Chamber, the Single Judge recalls that the evidence submission in this case has long been closed.³

¹ Prosecution's Notification of Disclosure Under Rule 77 of the Rules of Procedure and Evidence, ICC-01/05-01/13-1983-Conf (with two annexes).

² Narcisse Arido's Response to "Prosecution's Notification of Disclosure Under Rule 77 of the Rules of Procedure and Evidence" (ICC-01/05-01/13-1983-Conf), ICC-01/05-01/13-1984-Conf.

³ Decision Closing the Submission of Evidence and Further Directions, 29 April 2016, ICC-01/05-01/13-1859.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

DISMISSES the relief sought by the Arido Defence.

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

A handwritten signature in black ink, appearing to read 'B. Schmitt', is written over a horizontal line.

Judge Bertram Schmitt, Presiding Judge

Dated 13 October 2016

At The Hague, The Netherlands