



Original: **English**

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

Date: **8 April 2014**

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, 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

**NOTIFICATION OF DISCLOSURE & TRANSFER OF MATERIALS
TO PERMANENT COUNSEL**

Source: former Duty Counsel for Mr. Narcisse Arido

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 Mr. Jean-Pierre Bemba Gombo

Mr. Nicholas Kaufman

Counsel for Mr. Aimé Kilolo Musamba

Mr. Ghislain Mabanga

Ms. Catherine Mabilile

Counsel for Mr. Jean-Jacques Mangenda Kabongo

Mr. Jean Flamme

Counsel for Mr. Fidele Babala Wandu

Mr. Jean-Pierre Kilenda Kakangi Basila

Counsel for the Mr. Narcisse Arido

Prof. Göran Sluiter

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

Mr. Xavier-Jean Keïta, former Duty Counsel for Mr. Narcisse Arido

REGISTRY

Registrar

Mr. Herman von Hebel

Counsel Support Section

Mr. Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Other

1. At the Initial Appearance of Mr. Narcisse Arido on 20 March 2014, the Single Judge ordered that disclosure of the case materials should be made to the Duty Counsel, stating:

*"[...] the deadline is for the Prosecution to file to the Defence of -- to the Defence counsel of Mr Arido -- to disclose to the Defence counsel of Mr Arido all the materials which have been disclosed by now to the other suspect. This can be done only to the counsel which is in place which for -- until Mr Arido does appoint some other counsel, it's the OPCD. Therefore the deadline - only deadline - which is not frozen is for the -- for the Prosecutor to disclose to the OPCD, then as soon as a different counsel, if this will happen, a different counsel will have been appointed by Mr Arido, it is up to you, but when this happens, next week some time probably, to forward all these materials disclosed by the Prosecution to you to the new counsel."*¹

2. On 24 March 2014, the Office of the Prosecutor disclosed the case materials to the Duty Counsel through the OPCD.²
3. On 31 March 2014, the Registry noticed the assignment of Prof. Göran Sluiter as Permanent Counsel for Mr. Narcisse Arido; this assignment relieved Mr. Xavier-Jean Keïta of the Office of Public Counsel for Defence as Duty Counsel for Mr. Arido.³
4. On 31 March 2014, Prof. Sluiter confirmed to Mr. Keïta that he was out of the country and could not receive the disclosure until at least Monday, 7 April 2014. This information was communicated to the Chambers, Prosecution and Registry via e-mail of Mr. Keïta on 1 April 2014.

¹ Initial Appearance Transcript, ICC-01/05-01/13-T-4-Red2-ENG, 20 March 2014, pp. 11-12.

² ICC-01/05-01/13-291, Prosecution's Communication of Incriminatory Evidence, Rule 77 and Potentially Exculpatory Material Disclosed to the Defence of Narcisse Arido on 24 March 2014, 24 March 2014.

³ ICC-01/05-01/13-300, Notification of the Appointment of Counsel for Mr. Narcisse Arido, dated 28 March 2014, noticed 31 March 2014. For assignment of Duty Counsel, see ICC-01/05-01/13-268-Conf-Exp (made public by ICC-01/05-01/13-274 on 19 March 2014). See also Initial Appearance Transcript, 20 March 2014, ICC-01/05-01/13-T-4-Red2-ENG, pp. 2-3.

5. On 3 April 2014, at the request of the Registry and on the instruction of Prof. Sluiter, Mr. Keïta took custody of Mr. Arido's personal items that had been seized for forensic inspection.
6. In keeping the Chamber and all interested parties informed, former Duty Counsel hereby notifies that on today's date, Tuesday, 8 April 2014, he has transferred the materials disclosed to him on 24 March 2014 and Mr. Arido's personal items, as received on 3 April 2014, to Prof. Sluiter.
7. Provided the instruction at the Initial Appearance, as cited *supra*, the former Duty Counsel considers that any deadlines that may have arisen with regard to the case against Mr. Narcisse Arido may be considered 'unfrozen' as of today's date; such interpretation has been relayed to the Permanent Counsel.



Xavier-Jean Keïta, former Duty Counsel for Mr. Narcisse Arido

Dated this, 8th Day of April 2014
at The Hague, The Netherlands