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

Date: **30 March 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

**Arido Defence's Request for an Extension of the Time Limit to File Observations on
the First Status Conference's Agenda (ICC-01/05-01/13-824)**

Source: Counsel for Narcisse Arido

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

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I. INTRODUCTION

1. On 24 February 2015, the Trial Chamber filed an order seeking submissions in advance of the first status conference,¹ requiring the parties to submit their written observations on a number of potential agenda items listed therein, and to inform the Chamber of any items they wish to have added to the agenda, by 20 March 2015.²

2. On 4 March 2015, the Defence teams jointly requested an extension of time to file their observations.³ The Trial Chamber granted the request on 10 March 2015 and ordered that the Defence's submissions be filed by Monday 13 April 2015 at 16h.⁴

3. On 26 March 2015, Mr. Arido informed his lead counsel of his intention to terminate his mandate and to appoint a new lead counsel. Mr. Arido's counsel, Mr. Sluiter, sought leave to withdraw from the case on that same day.⁵ The Trial Chamber granted the request on the following day, noting that the withdrawal of counsel shall only take effect once a new Defence counsel has been appointed.⁶

4. In light of the upcoming change of lead counsel, the Arido Defence hereby requests a short extension of time for the submission of its observations pursuant to Regulation 35 (1) of the Regulations of the Court.

II. SUBMISSIONS

5. The Arido Defence respectfully submits that the upcoming change of counsel (and possible change of legal team) constitutes good cause to extend the 13 April 2015 deadline set by the Chamber.

6. The Defence's observations on the first status conference's agenda constitute one of the most important filings of the case. The items to be covered are essential to the proper functioning of the case, and concern extremely important topics such as, *inter alia*, disclosure, agreed facts or protective measures. Last but not least, most of the questions are closely related to

¹ ICC-01/05-01/13-824.

² ICC-01/05-01/13-824, p. 4.

³ ICC-01/05-01/13-831.

⁴ Email entitled "Ruling on ICC-01/05-01/13-831" from Trial Chamber to the parties, dated 10 March 2015.

⁵ ICC-01/05-01/13-875.

⁶ ICC-01/05-01/13-878, para. 3.

the fundamental rights of the Accused. The decision(s) which will be taken by the Chamber in light of those observations will have an impact on the totality of the trial phase, both substantively and procedurally.

7. The Arido Defence notes that it is in the process of preparing its observations. In addition, all the Defence teams have successfully worked together in order to achieve a joint position on as many items as possible.

8. Counsel is mindful of his obligations under the Code of Conduct, particularly those contained in Articles 8, 15, 17 to 19, continues to represent the best interests of Mr. Arido until a new counsel is appointed. However, counsel for Mr. Arido cannot guarantee that the new counsel would take the same positions than his, particularly on matters such as proofing or redactions. Therefore, there is a risk that, should the new counsel be appointed shortly before, or after the current deadline for submission, s/he would want to present certain amendments to the said observations and proposed protocols, which could cause further delay and undermine the efforts made by the Defence teams in reaching a joint position.

9. It is further submitted that since the new counsel will be the person representing Mr. Arido during the remaining of the trial phase, and is therefore directly concerned by most of the Agenda's items, s/he should be permitted to provide her/his views on the matter.

10. Last but not least, this would be fair to the other Defence teams, so that all they are given the opportunity to discuss any proposed amendments by the newly appointed counsel and reach a common position on certain items of the agenda.

11. As a result, the Arido Defence submits that it would be in the interests of justice to permit the newly appointed counsel to review the work prepared by the former Defence team in order to assess whether or not to retain certain positions, before the observations on the status conference's agenda are submitted to the Trial Chamber.

III. CONCLUSION

12. The Arido Defence respectfully requires an extension of time of 14 days from the day a new counsel is appointed or from the current 13 April 2015 deadline, whichever is later.

13. The Arido Defence further requests that the requested extension of time be applicable to the filings of all the Defence teams, in order to permit joint submissions.

A handwritten signature in black ink, appearing to read 'G. Sluiter', with a large, loopy initial 'G' and a horizontal line extending to the right.

Göran Sluiter, Counsel for Mr. Arido

Dated this 30th Day of March 2015

At Amsterdam, The Netherlands