

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 11 February 2016

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan

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

Public Document

Prosecution's Request for Leave to Reply to Filing ICC-01/05-01/13-1618

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

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I. Introduction

1. The Office of the Prosecutor (“Prosecution”) requests leave to reply to the Mangenda Defence’s response to the Prosecution’s Motion to Exclude the Testimony of Witness D23-P-0001 and the Submission of his Report,¹ pursuant to regulation 24(5) of the Regulations of the Court (“RoC”).

2. A limited and focused reply addressing questions of first impression in the Response may assist Trial Chamber VII (“Chamber”) it in the proper determination of the relevant issues.

II. Submissions

3. In its reply, the Prosecution intends to address two issues raised in the Response:

- (i) Whether the witness’ proffered evidence is relevant, given that it goes only to documents allegedly obtained prior to the issuance of Austrian judicial authorisation and which have not been submitted in this case.²
- (ii) Whether the Chamber’s *consideration* of a domestic courts’ determination of national law is the same thing as the Chamber actually making a legal *determination* regarding such law, as Mangenda requests.³

4. Should the Chamber grant the requested leave, the Prosecution can file its reply by midnight, Thursday, 11 February 2016. This will ensure the distribution of the reply by Friday, 12 February and assist the Chamber’s timely review of the Motion.

¹ ICC-01/05-01/13-1618 (“Response”).

² Response, paras. 19-21.

³ Response, paras. 15-18.

III. Relief Requested

5. For the foregoing reasons, the Prosecution requests the Chamber to grant it leave to reply to the Response, pursuant to regulation 24(5) of the RoC.



Fatou Bensouda, Prosecutor

Dated this 11th Day of February 2016
At The Hague, The Netherlands