

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No: ICC-01/05-01/13

Date: 06 April 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, AIMÉ KILOLO MUSAMBA,  
JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA WANDU AND  
NARCISSE ARIDO**

**Confidential**

**Kilolo Defence Request to Amend its List of Evidence.**

**Source: Defence for Mr. Aimé Kilolo Musamba**

**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

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Mr Charles Achaleke Taku

Ms. Beth Lyons

**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**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

**Registrar**

Mr Herman von Hebel

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Other  
Section**

## I. INTRODUCTION

1. On 21 January 2016, the Defence for Mr. Kilolo filed its list of witnesses<sup>1</sup> along with its list of evidence.<sup>2</sup>
2. The Defence respectfully requests the Trial Chamber's authorization to add 7 items in its list of evidence.

## II. DEFENCE SUBMISSIONS

3. The Defence seeks the addition of the following items:
  - (i) **Item 1** is an annex (CAR-D21-0015-0124)<sup>3</sup> that was reclassified on 4 February 2016 following an order from Trial Chamber III.<sup>4</sup> The Defence disclosed the document to the parties on 19 February 2015.
  - (ii) **Items 2 to 5** are the statements of 4 character witnesses that were communicated to the Defence between 23 February and 7 March 2016. The statements were disclosed with references CAR-D21-0016-0001, CAR-D21-0016-0004, CAR-D21-0016-0005 and CAR-D21-0016-0007 on the 7 and 9 March 2016.<sup>5</sup>
  - (iii) **Item 6** is an open source document extracted from the Belgian code of conduct of lawyers.<sup>6</sup>
  - (iv) **Item 7** is a letter from witness D21-0005 to the Prosecution disclosed to the Defence on 18 March 2016.<sup>7</sup>

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<sup>1</sup> ICC-01/05-01/13-1562-Conf-AnxA.

<sup>2</sup> ICC-01/05-01/13-1562-Conf-AnxC.

<sup>3</sup> Trial Disclosure Kilolo Package 13 19 February 2016.

<sup>4</sup> ICC-01/05-01/08-3331.

<sup>5</sup> Trial Disclosure Kilolo Package 14 04 March 2016 and Trial Disclosure Kilolo Package 15 09 March 2016.

<sup>6</sup> See CAR-D21-0017-0001 in Trial Disclosure Kilolo Package 16 23 March 2016.

4. The Defence submits that granting this request will not prejudice the Parties' rights. The documents were disclosed timely to the parties. Item 6 is furthermore an open source document. Finally, the 4 statements will be submitted by the Defence under rule 68(2)(b) and do not contain information that go to the acts and conduct of the Accused.
5. Should the Trial Chamber grant the request, the Defence will immediately file an amended version of the list.

### III. RELIEF REQUESTED

For the reasons above, the Defence respectfully requests the authorization to add the 7 identified items in its list of evidence.

RESPECTFULLY SUBMITTED.



**Maître Paul Djunga Mudimbi**  
**Lead Counsel of Mr. Aimé Kilolo Musamba**



**Mr. Steven Powles**  
**Associate Counsel of Mr. Aimé Kilolo Musamba**

Dated this 6 April 2016,  
At The Hague, The Netherlands.

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<sup>7</sup> See CAR-OTP-0093-0469 in Trial Rule 77 Package 46 18 March 2016.