

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No: ICC-01/05-01/13

Date: 18 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
With
Confidential Annexe A**

**Kilolo Defence Response to "Prosecution's Sixth Request for Admission of
Evidence from the Bar Table".**

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

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Mr James Stewart

Mr Kweku Vanderpuye

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Mr Paul Djunga Mudimbi

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Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Roland Azama Shalie Rodoma

Counsel for Narcisse Arido

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**

1. On 8 April 2016, the Prosecution submitted its 'Sixth Request for Admission of Evidence from the Bar Table'.¹
2. On 11 April 2016, the Trial Chamber invited the Parties to file any response to the Prosecution's request by Monday 18 April 2016.²
3. On 18 April 2016, the Defence for Mr Mangenda filed its 'Response to the Prosecution's Sixth Request for Admission of Evidence from the Bar Table'.³
4. The Defence for Mr Mangenda opposes the Prosecution's request to admit documents from the Bar Table at this stage as the Prosecution request neither justifies the admission of such evidence as either (i) rebuttal evidence, or (ii) fresh evidence.⁴
5. Moreover, the Mangenda Response explains how the criteria for admitting such evidence after the closing of the Prosecution case have not been satisfied by the Prosecution.⁵
6. The Defence for Mr Kilolo hereby generally supports the submissions advanced by Mr Mangenda in this regard. Similarly, such points are made on behalf of Mr Kilolo in relation to all the evidence contained within Category I, Category II and Category III of the Prosecution's Sixth Bar Table Motion.

¹ ICC-01/05-01/13-1784 Conf.

² See Trial Chamber's e-mail of 11 April 2016.

³ ICC-01/05-01/13-1813-Conf.

⁴ *Ibid* at para. 1.

⁵ *Ibid* paras. 2 to 9.

7. If, however, the Trial Chamber is minded to consider the admission of any of the items set out within the Prosecution's Sixth Bar Table Motion, the Defence for Mr Kilolo respectfully refers the Trial Chamber to the specific concerns set out in the table at Confidential Annex A.

Relief Sought

8. The Defence for Mr Kilolo respectfully requests the Trial Chamber to reject the Prosecution's Sixth Request for Admission of Evidence from the Bar Table.



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



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

Dated this 18 April 2016,
At The Hague, The Netherlands.