

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 29 April 2016

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding 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

Decision Closing the Submission of Evidence and Further Directions

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 Jean Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda

Kabongo

Mr Christopher Gosnell

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Charles Achaleke Taku

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Judge Bertram Schmitt, Presiding Judge of Trial Chamber VII ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* ('Bemba et al. case'), having regard to Articles 64(7) and 67(1) of the Statute and Rule 141 of the Rules of Procedure and Evidence ('Rules'), issues the following 'Decision Closing the Submission of Evidence and Further Directions'.

1. On 29 September 2015, the trial commenced.¹
2. On 27 November 2015, the Office of the Prosecutor ('Prosecution') announced it had completed its presentation of evidence.²
3. On 21 April 2016,³ the defence teams for Mr Bemba,⁴ Mr Kilolo,⁵ Mr Mangenda,⁶ Mr Babala⁷ and Mr Arido⁸ (collectively, 'Defence') confirmed that their presentation of evidence was complete subject to the resolution of certain outstanding evidentiary applications and other caveats.
4. At this point, all of the outstanding evidence applications have now been resolved. Pursuant to Rule 141(1) of the Rules, the Presiding Judge considers it appropriate to declare that the submission of evidence in this case is closed.
5. In their closing notices, the Presiding Judge notes that several defence teams raise the possibility of submitting additional evidence acquired or reviewed

¹ Transcript of Hearing, ICC-01/05-01/13-T-10-Red-ENG.

² Prosecution's Notice of the Close of its Case-in-Chief, ICC-01/05-01/13-1499.

³ The Chamber sought the views of the defence teams by this date as to whether their presentation of evidence is closed subject to the resolution of outstanding evidence applications. Email from Trial Chamber VII Communications to the parties, 18 April 2016 at 12:21.

⁴ Defence Notice Concerning the Close of Evidence, ICC-01/05-01/13-1827.

⁵ Kilolo Defence's Notice of the Closing of the Presentation of its Evidence, ICC-01/05-01/13-1829.

⁶ Defence Notice of Completion of Presentation of Evidence, ICC-01/05-01/13-1826.

⁷ Notification de l'équipe de Défense de M. Fidèle Babala Wandu sur la clôture de la présentation de ses éléments de preuves, ICC-01/05-01/13-1824.

⁸ Narcisse Arido's Notice of Closing of Defence Evidence Presentation, ICC-01/05-01/13-1825.

after the filing of their notices.⁹ There is no indication as to if and when any such applications could be filed, and the closing of the evidence cannot be delayed on such a speculative basis. This is not to say that such applications will be summarily dismissed, but, in order for the closing of the evidence presentation to have meaning and to ensure the fair and expeditious conduct of the proceedings, any applications to re-open the evidence presentation will be granted on a truly exceptional basis.

6. As to closing submissions and statements, the Presiding Judge recalls that the parties have already been informed that: (i) any closing submissions must be filed three weeks after the closing of the evidence and (ii) any closing statements must be presented four weeks after the closing of the evidence.¹⁰ Given the present decision, this means that any closing submissions must be filed by **16:00 on 24 May 2016** and the hearing of closing statements will commence on **31 May 2016**.
7. Consistent with the Single Judge's previous ruling that the Prosecution be given additional pages in comparison to the defence teams because it must set out a position against all five accused,¹¹ the Prosecution will be allotted four hours to present its closing statements. The Defence closing statements will follow, and the defence teams will be allotted two hours each to present their closing statements.
8. Finally, and in accordance with the principle of publicity enshrined in Articles 64(7) and 67(1) of the Statute, the Presiding Judge orders the parties and the Registry to review all of their non-public filings in the case record, filing

⁹ *Egs* ICC-01/05-01/13-1825, para. 3; ICC-01/05-01/13-1826, para. 1 n. 2; ICC-01/05-01/13-1827, para. 2(b); ICC-01/05-01/13-1829, para. 2.

¹⁰ Further Directions on the Conduct of the Proceedings in 2016, 9 December 2015, ICC-01/05-01/13-1518, paras 20-23.

¹¹ Decision on Prosecution's Motion for Reconsideration of the Closing Submissions Directions, 15 January 2016, ICC-01/05-01/13-1552.

redacted versions and requesting reclassifications whenever possible. The parties and the Registry are directed to certify that their respective filings are as public as possible by **16:00 on 22 July 2016**.

FOR THE FOREGOING REASONS, THE PRESIDING JUDGE HEREBY

DECLARES the presentation of evidence to be closed; and

ADOPTS the aforementioned directions concerning the subsequent conduct of proceedings.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, appearing to be 'BS', is written over a horizontal line.

Judge Bertram Schmitt, Presiding Judge

Dated 29 April 2016

At The Hague, The Netherlands