

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 3 May 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 Response to the « Requête de la Défense de M. Fidèle Babala Wandu informant la Chambre du souhait de l'Accusé de vouloir faire une déclaration orale en application de l'article 67(1)(h) du Statut de Rome », ICC-01/05-01/13-1862

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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1. The Office of the Prosecutor (“Prosecution”) does not oppose the *«Requête de la Défense de M. Fidèle Babala Wandu informant la Chambre du souhait de l’Accusé de vouloir faire une déclaration orale en application de l’article 67(1)(h) du Statut de Rome »* (“Request”),¹ except to the extent it seeks an excessive allotment of one hour for the Accused’s unsworn statement.²

2. Should Trial Chamber VII (“Chamber”) grant the Request, it should apply the following conditions: (1) the unsworn statement must not unfairly expand the two hour allotment provided to the Babala Defence in which to make its closing submissions³ – in other words, the proposed statement should not serve as a second closing argument; (2) the unsworn statement should bear on matters relevant to the case; and (3) should the unsworn statement refer to evidence and/or the merits of the case so as to justify a reply or the introduction of rebuttal evidence, the Prosecution may do so. Likewise, should the Accused’s unsworn statement create a misleading advantage, the Prosecution may adduce such evidence as may counter this, in the interests of justice. The timing of the Parties’ closing submissions should therefore allow for this contingency.



Fatou Bensouda, Prosecutor

Dated this 3rd Day of May 2016
At The Hague, The Netherlands

¹ ICC-01/05-01/13-1862.

² ICC-01/05-01/13-1862, para. 9.

³ ICC-01/05-01/13-1859, para. 7.