

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **6 June 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**

Public

**Narcisse Arido's Request for Inclusion of CAR-D24-0002-0003 on its List of Evidence
for the Purposes of Consideration in Trial Chamber VII's Judgement**

Source: Counsel for Narcisse Arido

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

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I. SUBMISSIONS

1. The Arido Defence hereby requests the *formal* submission of item CAR-D24-0002-0003 for consideration by the Trial Chamber VII ("Trial Chamber") in its judgement.
2. On 28 May 2016, the Prosecution wrote to the Trial Chamber and parties to bring to the Chamber's attention a number of items of evidence referred to in Closing Submissions – including its own – that had been “neither recorded as ‘formally submitted’ in eCourt, nor of which the Chamber has taken judicial notice.”¹ The Arido Defence responded on 30 May 2015 indicating that it would seek the formal submission of item CAR-D24-0002-0003 and deferred “to the Trial Chamber’s discretion to seek the truth and respect the rights of the accused”² with regards to the few remaining items.
3. CAR-D24-0002-0003 is an item obtained by the Arido Defence during the course of investigations. It is an attendance record listing P-260’s name and was discussed that witness during testimony.³ The relevance of the item is that it appears to place P-260 in a milieu of military individuals. This both undermines P-260’s claim that he is a civilian and also calls into question the necessity for Mr. Arido to coach him as the document suggests that P-260 would have ample military knowledge and familiarity with the conflict in the Central African Republic in 2001-2003. It is thus exculpatory and an important document for the defence of Mr. Arido.
4. *Substantively*, the document forms part of the testimony of witness P-260, thus the Trial Chamber will necessarily indirectly consider it when reviewing the testimony of P-260, and thus, the late submission of it will not prejudice the other parties since it already in most ways forms part of the record. What is lacking is the *formal* submission of the document – including any response by the Prosecution – which the Arido Defence exceptionally requests.
5. The request is extremely limited in scope being confined to one item and will not create any significant delay in the preparation of the judgement.

¹ Email of 28 May 2016, subject line “Documents Cited in Closing Briefs Not Formally Submitted or Judicially Noticed”.

² Email of 30 May 2016, subject line “RE: Documents Cited in Closing Briefs Not Formally Submitted or Judicially Noticed”.

³ See ICC-01/05-01/13-T-20-CONF-ENG ET, p. 72, l. 25 to p. 74, l. 24.

II. CONCLUSION

6. In light of the above, the Arido Defence respectfully requests Trial Chamber VII to accept item CAR-D24-0002-0003 as formally tendered and to consider it in the deliberations and preparation of its Article 74 judgement.

A handwritten signature in black ink, appearing to read 'Charles Achaleke Taku', with a long, sweeping horizontal stroke extending to the right.

Chief Charles Achaleke Taku, Counsel for Mr. Arido

Dated this 6th Day of June 2016

The Hague, The Netherlands