



Original: **English**

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

Date: **23 November 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, With Confidential Annexes A through C

**Narcisse Arido's Formal Submission of
Additional Evidence to be Considered for Sentencing**

Source: Counsel for Narcisse Arido

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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Unrepresented Victims

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Victims Participation and

Other

Reparations Section

I. SUBMISSIONS

1. On 20 October 2016, Trial Chamber VII (“Trial Chamber”) set a deadline whereby “[a]side from witnesses, the parties must both disclose and formally submit any additional evidence to be considered for sentencing by 23 November 2016”.¹

2. The present request submits the documents listed in Annex A and B for the purpose of the written submissions due on 7 December 2016² and ultimately for the Sentencing Judgment. Annex B contains documents for use during the cross-examination of witness P-256, should he testify.

3. The material contained in in Annex A is relevant to (1) the punishment that Mr. Arido has already suffered as a consequence of the procedure before the ICC, (2) the public service that Mr. Arido has provided to his community, (3) the impact upon his family life past and future, (4) his compliance while in the Detention Centre, and (5) his motivations related to the circumstances surrounding his conviction. Many of the items are official documents. As such, the various material submitted contains indicia of reliability and authenticity. Other material was disclosed to the Defence by the Prosecution from its investigations and material from these investigations.

4. Annex C to the present filing contains a table that includes but is not limited to several of the materials from the case-record which the Arido Defence has identified that it may refer to during the cross-examination of P-256. The questions will be focused and not seek to re-litigate issues. The Defence understands the Trial Chamber³ to permit referring to any records from the prior proceedings subject to the caveat that the Defence does not seek to re-litigate issues. The Arido Defence provides this notice out of caution and for clarity as to the materials to which it will refer.

5. The Arido Defence has requested the Registry for a certification of Mr. Arido’s compliance with the conditions⁴ of release for which the Registry was responsible. The Registry recently provided the letter which is being reviewed; however, it was not available to be disclosed for the purposes of the present formal submission request. The Arido Defence thus gives notice of the expected item. It will circulate it promptly upon its review, and formally disclose it thereafter. The

¹ ICC-01/05-01/13-1990, para. 2 (ii).

² *Ibid.*, para. 2(iii).

³ ICC-01/05-01/13-2025, para. 6.

⁴ *See* ICC-01/05-01/13-722-Conf-Anx8 and ICC-01/05-01/13-1151, para. 8.

Defence requests that the Trial Chamber extend the deadline in a limited fashion for disclosure and submission of this one item.

6. Finally, the Defence provides notice that it is waiting upon delivery of a potentially highly relevant report. While the Arido Defence cannot provide further details at this stage, it hereby provides notice of the possibility that it may shortly file an application to submit this document.

II. CONCLUSION

7. In light of the above, the Arido Defence respectfully requests Trial Chamber VII to:

- a. RECEIVE the material in Annex A and B as formally submitted; and
- b. EXTEND the deadline for the submission of the material referred to in paragraph 5 above.

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

Chief Charles Achaleke Taku, Counsel for Mr. Arido

Dated this 23rd Day of November 2016

The Hague, The Netherlands