



Original: English

No: ICC-01/05-01/13
Date: 24 September 2015

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

**Joint Defence Response to 'Prosecution's Notice of the Materials it intends
to use in the Course of its Opening Statement' (ICC-01/05-01/13-1275).**

Source: Defence for Mr. Aimé Kilolo Musamba

Defence for Mr. Jean-Pierre Bemba Gombo

Document 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

Mr Steven Powles

Counsel for Jean-Jacques Kabongo Mangenda

Mr Christopher Gosnell

Mr Arthur Vercken

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Roland Azama Shalie Rodoma

Counsel for Narcisse Arido

Mr Charles Achaleke Taku

Mr Philippe Laroche

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 21 September 2015, the Prosecution filed 'Prosecution's Notice of the Materials it intends to use in the Course of its Opening Statement'¹.
2. The Defence for Mr Kilolo and the Defence for Mr Bemba ('Defence') do not object to the Prosecution referring to any of the material cited as part of its Opening Statement.
3. This is, however, on the basis that while the Prosecution may refer to it in Opening, it does not formally become 'evidence'. The Defence maintains that each item referred to must still be formally admitted as evidence to the Trial Chamber during the course of the trial proceedings.
4. For the avoidance of doubt, the Defence does not accept that certain items referred to are admissible. Rather than litigate the admissibility of each item at this stage, the Defence will raise issues as to admissibility at the appropriate time.
5. For instance, as set out in response to many of the items cited in the Prosecution's various Bar Table Motions², the Defence maintains that items must be adduced as evidence through a relevant witness.
6. Moreover, the Defence respectfully asks that the Prosecution observe and respect the privacy, where appropriate, of both the Accused and various witnesses in respect of documents to be cited during the Opening.

¹ ICC-01/05-01/13-1275, 21 September 2015.

² ICC01/05-01/13-1013-Red, ICC-01/05-01/13-1113-Red and ICC-01/05-01/13-1170-Red.



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



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



Ms. Melinda Taylor
Counsel of Mr. Jean Pierre Bemba Gombo

Dated this 24 September 2015,
At The Hague, The Netherlands.