

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **7 December 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**

Confidential with Confidential Annex A

Narcisse Arido's Response to the Prosecution Fifth Bar Table Motion (ICC-01/05-01/13-1498-Conf)

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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Other

Reparations Section

I. INTRODUCTION

1. On 27 November 2015, the Prosecution filed its fifth request for the admission of evidence from the bar table, seeking the admission of 108 documents into evidence.¹
2. On the same day, the Trial Chamber shortened the deadline for the filing of a response to 7 December 2015, at 16h.²
3. The Arido Defence opposes the admission into evidence of 13 documents, for the reasons stated in Confidential Annex A to the present filing.

II. CLASSIFICATION

4. Pursuant to Regulation 23*bis* of the Regulations of the Court ('RoC') and Regulation 24 of the Regulations of the Registry ('RoR'), this request is submitted as confidential, as it refers to a filing of the same classification. However the present filing does not refer to any confidential information and can therefore be reclassified as public.

III. APPLICABLE LAW

5. The Arido Defence incorporates by reference the relevant sections of its request for an order on the Prosecution to re-file its first bar table motion³ and of its responses to the Prosecution's first and second bar table motions.⁴

IV. SUBMISSIONS

6. The Arido Defence opposes the admission into evidence of CAR-OTP-0082-0293, CAR-OTP-0075-2501, CAR-OTP-0075-2506, CAR-OTP-0075-2508, CAR-OTP-0075-4118, CAR-OTP-0078-0406, CAR-OTP-0078-0449, CAR-OTP-0078-0569, CAR-OTP-0083-0015, CAR-OTP-0083-0148, CAR-OTP-0080-1124, CAR-OTP-0088-0320, as the Prosecution fails to justify the relevance of the items in relation to the charges and/or since the documents lack basic indicia of authenticity and reliability. It further opposes the admission into evidence of CAR-D21-0004-0546 because it falls under Rule 68. Detailed reasons for each individual document are stated in confidential Annex A.

¹ ICC-01/05-01/13-1498-Conf.

² Email from the Trial Chamber to the parties entitled "Responses to ICC-01/05-01/13-1498-Conf", dated 27 November 2015.

³ ICC-01/05-01/13-1038-Conf, paras 9-10.

⁴ ICC-01/05-01/13-1077-Conf, paras 5, 8-9, 25-26, 30; ICC-01/05-01/13-1197-Conf, paras 4-6, 10, 17.

7. Regarding items CAR-OTP-0075-0244, CAR-OTP-0075-0285, CAR-OTP-0075-0478, CAR-OTP-0075-0506, CAR-OTP-0075-0537, CAR-OTP-0075-0750, CAR-OTP-0075-0752, CAR-OTP-0075-0781, CAR-OTP-0075-0784, CAR-OTP-0075-0849, CAR-OTP-0075-1152, CAR-D21-0001-0048, CAR-D21-0001-0049, CAR-OTP-0075-0155, the Arido Defence does not object to the admission into evidence of the documents, but challenges the interpretation given by the Prosecution, as stated in confidential Annex A.

8. The Arido Defence does not take a position on the remainder of the documents. Where relevant, it pointed out to authenticity/reliability issues.

9. The position of the Arido Defence on the individual items can be found in confidential Annex A.

V. CONCLUSION

10. In light of the above, the Arido Defence respectfully requests Trial Chamber VII to reject the admission into evidence of the following items: CAR-OTP-0082-0293, CAR-OTP-0075-2501, CAR-OTP-0075-2506, CAR-OTP-0075-2508, CAR-OTP-0075-4118, CAR-OTP-0078-0406, CAR-OTP-0078-0449, CAR-OTP-0078-0569, CAR-OTP-0083-0015, CAR-OTP-0083-0148, CAR-OTP-0080-1124, CAR-OTP-0088-0320, CAR-D21-0004-0546.

11. The Arido Defence does not object to the admission into evidence of the following documents: CAR-OTP-0090-1793, CAR-OTP-0090-1807, CAR-OTP-0090-2041, ICC-01/05-01/13-1047-Conf-Anx8-Red, CAR-D21-0003-0057, CAR-OTP-0075-0244, CAR-OTP-0075-0285, CAR-OTP-0075-0478, CAR-OTP-0075-0506, CAR-OTP-0075-0537, CAR-OTP-0075-0750, CAR-OTP-0075-0752, CAR-OTP-0075-0781, CAR-OTP-0075-0784, CAR-OTP-0075-0849, CAR-OTP-0075-1152, CAR-D21-0001-0048, CAR-D21-0001-0049, CAR-OTP-0075-0155

12. The Arido Defence does not take a position on the remaining documents.



Chief Charles Achaleke Taku, Counsel for Mr. Arido

Dated this 7th Day of December 2015

The Hague, The Netherlands