

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 19 November 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

***Ex Parte* only available to the Registry and the Arido Defence**

**Registry's Observations on the "Narcisse Arido's Request for a Review of the
Registry's Determination of Daily Allowance for Mr. Arido"**

ICC-01/05-01/13-1482-Conf-Exp

Source: The Registry

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

The Office of the Prosecutor

Counsel for Jean-Pierre Bemba Gombo

Counsel for Aimé Kilolo Musamba

Counsel for Jean-Jacques Mangenda Kabongo

Counsel for Fidèle Babala Wandu

Counsel for Narcisse Arido
Mr Charles Acheleke Taku

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for 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 Section

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the *“Narcisse Arido’s Request for a Review of the Registry’s Determination of Daily Allowance for Mr. Arido (the “Arido Defence”) on 12 November 2015 (the “Request”);*¹

NOTING the instruction of Trial Chamber VII (the “Chamber”) requesting the Registry to provide its observations on the Request by Wednesday 18 November 2015;²

NOTING that the Registry submitted its observations on the Request to the Chamber and Arido Defence on Wednesday 18 November 2015 *via* email in which it informed the Chamber that such observations would be registered in the case file by way of a filing on 19 November 2015;³

NOTING Article 43 (6) of the Rome Statute and Regulation 23*bis* of the Regulations of the Court;

CONSIDERING that the Accused in the present case, who are not under the custody of the Court, have been declared provisionally indigent;

RESPECTFULLY SUBMITS the Registry’s Observations on the Request as follows:

1. Firstly, the Registry would like to reiterate its observations submitted as a response to a request from the Defence team for Mr Mangenda in relation to the amount of financial assistance to be provided by the Registry.⁴

¹ ICC-01/05-01/13-1482-Conf-Exp.

² Email from the Chamber received by the Registry on 13 November 2015 at 12:26.

³ Email from the Registry to the Chamber on 18 November 2015 at 19:22.

⁴ ICC-01/05-01/13-1347-Conf-Exp.

2. The Registry maintains its position that there is no specific legal requirement in the texts of the Court placing an obligation upon the Registry to provide assistance to any Accused appearing before the Court who is not in the custody of the Court, let alone any requirement for the increase that is sought in the Request. The provisions and jurisprudence cited are, in the Registry's view, not applicable to the Request and specific context at hand.⁵

3. With regards to the amount of the financial assistance provided, the Registry refers to the Single Judge's decision of 14 October 2015 where he found that the amount of the Daily Assistance is not manifestly unreasonable.⁶ Consequently, it is the Registry's understanding that its goodwill was reasonably exercised. Any delay in the payment of the assistance is reasonable due to the specific administrative processes to be followed.

4. In light of the case by case assessment of Mr Arido's situation, the Registry is of the view that the situation of Mr Arido (and subsequent possible assistance to be provided) does not substantially differ from other requests it has received so far and as such maintains its position to provide a daily allowance of 8,50 €. In addition, the Registry is of the view that Mr Arido's accommodation provided by the Registry – in the absence of any legal obligation is conveniently located (within walking distance of the ICC) considering the upcoming move to the permanent premises of the ICC.

5. With regards to the Arido Defence request insofar it relates to Mr Arido's accommodation and the subsequent need for possible Registry intervention, the Registry would like to respectfully inform the Chamber that it has contacted the Arido Defence on this topic. It was confirmed that Mr Arido has returned to the [REDACTED] and is accommodated there again. Consequently, as far as the Arido Defence is concerned, this part of the request can be considered moot.

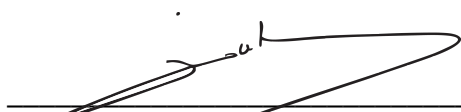
⁵ Rationale in relation to disclosure of identities, ICC-01/05-01/13-1482-Conf-Exp, paragraphs 17-18.

⁶ ICC-01/05-01/13-1367-Conf-Red.

6. It was, however, indicated by the Arido Defence that the Registry's intervention might be warranted should issues in relation to Mr Arido's accommodation arise in the future, in particular, upon Mr Arido's return to the [REDACTED] after the conclusion of the "Defence case". The Registry does not have any observations to provide on this matter in this filing as any issues relating to Mr Arido's future accommodation are, at present, hypothetical.

Confidentiality

7. In accordance with regulation 23bis(2) of the Regulations of the Court, the Registry submits the present observations with the classification "confidential *ex parte* only available to the Registry and the Arido Defence" in order to be in line with the classification of the Request.



Marc Dubuisson, Director, Division of Judicial Services
per delegation of
Herman von Hebel, Registrar

Dated this 19 November 2015

At The Hague, The Netherlands