

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/05-01/13**
Date: **4 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 Document
with
Confidential Annex A

Prosecution's Notification of Witness Summaries for Sentencing Proceeding

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor
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 Sacha Powles

Counsel for Jean-Jacques Mangenda Kabongo

Mr Christopher Michael Gosnell
Mr Arthur Vercken De Vreuschmen

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila
Mr Godefroid Bokolombe Bompondo

Counsel for Narcisse Arido

Mr Charles Achaleke Taku
Ms Beth Lyons

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

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Victims Participation and Reparations Section Other

1. The Office of the Prosecutor (“Prosecution”) hereby provides Trial Chamber VII (“Chamber”) and the Convicted Persons with a summary of the anticipated testimony of the Prosecution witness whom it intends to call to testify, in accordance with the Chamber’s 29 October 2016 order.¹ The summary provides the following information about the witness: (i) the witness’ pseudonym in this case and the Main Case; (ii) the mode of testimony; (iii) the length of the anticipated evidence-in-chief; (iv) whether counsel under rule 74 of the Rules of Procedure and Evidence is required; (v) whether the Prosecution anticipates any delayed disclosure; (vi) any requested or applicable protective measure(s) for the witness; and (vii) a summary of the witness’ anticipated testimony.

2. The witness’ prospective evidence is directly relevant to Arido’s sentence as it goes to Arido’s attempt to obstruct justice in this case.² *First*, this conduct is a *prima facie* “relevant factor” the Chamber can consider under rule 145(1)(b) going to Arido’s bad character and the continuation of the offence of which he has been convicted.

3. *Second*, it demonstrates an aggravating circumstance under rule 145(2)(b)(vi), which permits the Chamber to consider “[o]ther circumstances which, although not enumerated above, by virtue of their nature are similar to those mentioned.” Further acts aimed at subverting the course of justice are, by their nature, similar to the relevant criminal conduct referenced in rule 145(2)(b)(i).

¹ ICC-01/05-01/13-1990, para. 2(1). The annex to this notification is filed confidentially as it reveals identifiable information about a protected witness.

² The Prosecution reserves the right to make further submissions in response to any motion by the Defence.

4. *Third*, the evidence is relevant to counter mitigating circumstances which Arido may raise. Rule 145(2)(a)(ii), permits the Chamber to evaluate “[t]he convicted person’s conduct after the act.”



Fatou Bensouda, Prosecutor

Dated 4th Day of November 2016
At The Hague, The Netherlands