

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **2 December 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

**Narcisse Arido's Response to
'Prosecution Motion pursuant to Regulation 35 to Add one Document to the
"Additional Evidence" Submitted regarding the Sentencing Proceedings'
(ICC-01/05-01/13-2070)**

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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James Stewart

Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

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Counsel for Aimé Kilolo Musamba

Steven Powles

Counsel for Jean-Jacques Mangenda Kabongo

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Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Charles Achaleke Taku

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Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

**The Office of Public Counsel for
Victims**

The Office of Public Counsel for the Defence

Xavier-Jean Keïta

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Counsel Support Section

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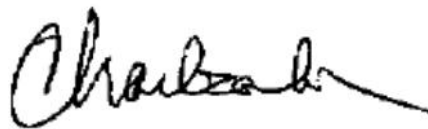
Detention Section

Victims Participation and

Other

Reparations Section

1. On 30 November 2016, the Prosecution requested permission¹ of Trial Chamber VII ("Trial Chamber") to submit a Briefing Paper for the purpose of sentencing that was posted to the Open Society Justice Initiative's website.² By email, the Trial Chamber reduced the deadline for responses to 2 December 2016.³ The Arido Defence opposes the Prosecution request.
2. Firstly, the Prosecution admits that the document was available prior to the 23 November 2016 deadline imposed by the Trial Chamber. Moreover, much of the information for which the Prosecution tenders the item is already present in the public case-records of the ICC.
3. Secondly, to accept the document is to import the opinion of public advocacy group into the proceedings. This will not assist the Judges with an area in which they have a wide discretion.
4. Finally, the Briefing Paper is too general for the specific circumstances of the case. In other words, it is insufficiently tailored to the individual crimes and circumstances for which Mr. Arido is convicted and it will not contribute in any way for the Prosecution to reach its evidential burden of proof of beyond a reasonable doubt.
5. In light of the above, the Arido Defence respectfully requests Trial Chamber VII to reject the Prosecution Request.



Chief Charles Achaleke Taku, Counsel for Mr. Arido

Dated this 2nd Day of December 2016

The Hague, The Netherlands

¹ ICC-01/05-01/13-2070.

² CAR-OTP-0094-2547.

³ Email, 30 November 2016 at 17h23, subject line 'shortening of response deadline of ICC-01/05-01/13-2070'.