



Original: **French**

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

Date: 18 August 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**

**Response of the Defence for Mr Aimé Kilolo Musamba to “Prosecution’s Request  
to Obtain Financial Information from the Registry” (ICC-01/05-01/13-1966)**

**Source:** The Defence for Mr Aimé Kilolo Musamba

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

**Office of the Prosecutor**

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Mr James Stewart

Mr Kweku Vanderpuye

**Counsel for the Defence of Mr Aimé**

**Kilolo Musamba**

Mr Paul Djunga

**Counsel for the Defence of Mr Jean-Pierre Bemba Gombo**

Ms Melinda Taylor

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Mr Charles Achaleke Taku

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for Participation/Reparations**

**Office of Public Counsel for Victims**

**Office of Public Counsel for the Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Witness and Victims Unit**

**Detention Section**

1. On 10 August 2016, the Prosecution filed a “Request to Obtain Financial Information from the Registry” (“the Request”).<sup>1</sup> The Prosecution requested the Chamber to direct the Registry to provide it with financial information concerning the total cost of the trial in the Main Case,<sup>2</sup> and information concerning the costs incurred by the Registry in relation to the 14 witnesses who are the subject of the charged offences in the Related Case.<sup>3</sup>
2. On the same day, the Chamber invited the Parties to submit their responses by 18 August 2016.<sup>4</sup>
3. The Defence for Mr Kilolo objects to the Request of the Prosecution. The Defence contends that the Request is premature and in violation of article 67(1) of the Rome Statute.
4. As the matter is pending, the Request of the Prosecution is therefore premature, especially as no date has been set thus far for the pronouncement of the verdict.
5. Further, the Prosecution advances contradictory arguments for submitting the Request at such an early stage in the trial. Indeed, while claiming that it wishes to avoid any unnecessary delay,<sup>5</sup> the Prosecution subsequently contradicts itself by stating that the Registry would not be overburdened in providing the requested information within a reasonable time.<sup>6</sup>
6. Furthermore, the Defence opines that to grant the Request of the Prosecution would imply that the Accused are guilty, in violation of article 66 of the Rome Statute.
7. In these circumstances and in the absence of a judgment, the Defence reserves the right to subsequently present observations on the admissibility and relevance of the information, should the Chamber grant the Request of the Prosecution.

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<sup>1</sup> ICC-01/05-01/13-1966.

<sup>2</sup> ICC-01/05-01/08.

<sup>3</sup> ICC-01/05-01/13.

<sup>4</sup> See email sent by Trial Chamber VII on 10 August 2016, at 12.59.

<sup>5</sup> ICC-01/05-01/13-1966, para. 3.

<sup>6</sup> *Idem*, para. 8.

**FOR THESE REASONS,**

May it please Trial Chamber VII:

8. **To dismiss** the Request of the Prosecution

RESPECTFULLY SUBMITTED

**Mr Paul Djunga Mudimbi**

**Lead Counsel for Mr Aimé Kilolo Musamba**

[signed]

Done in Kinshasa

This 18 August 2016