



Original: English

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

Date: **20 October 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**

Public

**Response to Public Redacted Version of “Prosecution’s Fourth Request for the
Admission of Evidence from the Bar Table”**

Source: Defence for Jean-Jacques Kabongo Mangenda

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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Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

1. The Prosecution's Fourth Motion¹ to admit documents from the bar table should be rejected as premature. The Trial Chamber, eight days before the Fourth Motion, decided as follows in respect of the Prosecution's three previous bar table motions:

[A]s a general rule, these proceedings will be conducted more efficiently if the Chamber defers its assessment of the admissibility of evidence until deliberating its judgment pursuant to Article 74(2) of the Statute. The Chamber will consider the relevance, probative value and potential prejudice of each item of evidence submitted at that time. [...] The Chamber decides that it will not make any ruling on the relevance and/or admissibility of the 1,028 submitted items.²

This ruling was not appealed by the Prosecution.

2. The Prosecution's Fourth Motion is, accordingly, premature and should be rejected on that basis.



Christopher Gosnell
Counsel for Mr. Jean-Jacques Kabongo Mangenda

Respectfully submitted this 20 October 2015,

At The Hague, The Netherlands

¹ *Bemba et al.*, Public redacted version of "Prosecution's Fourth Request for the Admission of Evidence from the Bar Table", ICC-01/05-01/13-1310-Red, 2 October 2015 ("Fourth Motion").

² *Bemba et al.*, Decision on Prosecution Requests for Admission of Documentary Evidence (ICC-01/05-01/13-1013-Red, ICC-01/05-01/13-1113-Red, ICC-01/05-01/13-1170-Conf), ICC-01/05-01/13-1285, 24 September 2015, paras. 9, 16.