



Original: **English**

No.: ICC-01/05-01/08 OA3

Date: **7 September 2010**

APPEALS CHAMBER

Before: Judge Anita Ušacka, Presiding Judge
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Daniel David Ntanda Nsereko

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF**

THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO

Public

**Prosecution's Response to the Appeals Chamber's Order of 7 September 2010 on
the filing of a response to the Central African Republic's request**

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

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**Unrepresented Applicants for
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Ms Silvana Arbia

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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 24 June 2010, Trial Chamber III issued its “Decision on the Admissibility and Abuse of Process Challenges” (“the Impugned Decision”). It found that the case was admissible before the Court and that there had been no material irregularity or impropriety in the proceedings.¹
2. On 28 June 2010 the Defence appealed the Decision pursuant to Article 82(1)(a) and Rule 154(1),² and on 26 July the Defence filed its Document in Support of its appeal.³ The following day it filed a corrigendum.⁴ On 17 August 2010 the Prosecution responded to the Defence’s Appeal Brief.⁵
3. On 12 July 2010 the Appeals Chamber instructed the authorities of the Central African Republic (“CAR”) and Legal Representatives of victims authorized to participate in the proceedings to provide observations to the Defence’s Appeal Brief and the Prosecution’s Response within ten days of the notification of the latter. The Prosecution and the Defence will have the possibility to respond to these observations within five days of their notification.⁶
4. On 3 September 2010 the CAR authorities requested to the Registrar the French translation of the Impugned Decision. They also requested an extension of time to provide their observations.⁷ The Registrar communicated this latter request to the Appeals Chamber on 6 September 2010. She noted that the French translation of the Impugned Decision had indeed not been transmitted to the CAR authorities. The Registrar communicated the translated version to the CAR authorities the same day.⁸

¹ ICC-01/05-01/08-802.

² ICC-01/05-01/08-804OA3-Corr2-tENG; the Defence filed two corrigenda on 28 and 29 June 2010 respectively (ICC-01/05-01/08-804OA3-Corr and ICC-01/05-01/08-804-Corr2-tENG).

³ ICC-01/05-01/08-841-ConfOA3.

⁴ ICC-01/05-01/08-841-Conf-CorrOA3. The same day it filed a public redacted version (ICC-01/05-01/08-841-Corr-RedOA3).

⁵ ICC-01/05-01/08-855-Red OA3

⁶ ICC-01/05-01/08-812 OA3.

⁷ ICC-01/05-01/08-873-Conf-Anx.6 OA3. See para.7.

⁸ ICC-01/05-01/08-873 OA3, para.8.

5. Pursuant to the Appeals Chamber's Order of 7 September 2010,⁹ the Prosecution does not object to the CAR's request for an extension of the time-limit to provide their observations, as long as the Prosecution has an adequate opportunity to respond to those observations. The Prosecution further notes that granting the request will have no impact on the commencement of the trial, as Trial Chamber III has indicated that it will continue the proceedings pending a decision from the Appeals Chamber.¹⁰



Luis Moreno-Ocampo, Prosecutor

Dated this 7th day of September 2010

At The Hague, The Netherlands

⁹ ICC-01/05-01/08-874 OA3.

¹⁰ ICC-01/05-01/08-T-24-ENG ET, 30 August 2010, p.13, ln.19 to p.16, ln.17.