



Original: English

No.: ICC-01/05-01/08
Date: 6 December 2010

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO

Public

Prosecution's Response to Defence "Application for leave to appeal Trial Chamber III's decision on the admission into evidence of materials contained in the prosecution's list of evidence"

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

Counsel for the Defence

Mr Nkwebe Liriss

Mr Aimé Kilolo Musamba

Legal Representatives of Victims

Ms Marie-Edith Douzima Lawson

Mr Assingambi Zarambaud

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

Mr Jean-Xavier Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 19 November 2010, the majority of Trial Chamber III ("Majority") issued its "Decision on the admission into evidence of materials contained in the Prosecution's list of evidence" ("Decision").¹
2. On 29 November 2010, the Prosecution filed an application for leave to appeal the Decision on a discrete issue ("Prosecution Application").²
3. On 29 November 2010, at 17:03 hours, the Defence filed its application for leave to appeal the Decision ("Defence Application"),³ which was notified to the participants in the proceedings on 30 November 2010, at 10:04 hours. The Defence is aware of the lateness of its filing, and requests that the Trial Chamber accept it nevertheless, as "[t]he members of the Defence [...] were in the courtroom between 14:00 and 16:00 today, 29 November 2010 and experienced technical difficulties in sending the current filing from the courtroom".⁴
4. The Prosecution does not oppose the filing of the Defence Application, notwithstanding that it was filed one hour late.
5. On the merits of the Defence Application, the Prosecution further submits that the issue meets the criteria for leave to appeal under Article 82(1)(d) and notes that the Prosecution's Application identifies a similar, though more confined, issue. The Prosecution thus suggests that both Applications can be granted jointly.

¹ ICC-01/05-01/08-1022. Judge Ozaki dissented (see ICC-01/05-01/08-1028).

² ICC-01/05-01/08-1059.

³ ICC-01/05-01/08-1061.

⁴ Defence Application, para. 1.

Conclusion

6. For the reasons set out above, the Prosecution does not oppose the Defence Application.



Luis Moreno-Ocampo, Prosecutor

Dated this 6th day of December 2010

At The Hague, The Netherlands