

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 March 2014

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka
Judge Sanji Mmasenono Monageng

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

***THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

Confidential

Prosecution request to respond to the *“Réponse à la requête du 3 mars 2014 aux fins de récusation de l’Accusation dans le cadre de l’enquête et des poursuites visant M. Aimé Kilolo Musamba et M. Jean-Jacques KABONGO MANGENDA”*, to file its response as part of a Consolidated Response, and to request an extension of page and time limits

Source: The 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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Legal Representatives of Victims**Legal Representatives of Applicants****Unrepresented Victims****Unrepresented Applicants for Participation/Reparation****States Representatives****Amicus Curiae****REGISTRY****Registrar**

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1. The Prosecution seeks leave from the Appeals Chamber to respond to the *"Réponse à la requête du 3 mars 2014 aux fins de récusation de l'Accusation dans le cadre de l'enquête et des poursuites visant M. Aimé Kilolo Musamba et M. Jean-Jacques KABONGO MANGENDA"* filed by the Defence for Mangenda on 12 March 2014 ("Mangenda's Request").¹
2. Although Mangenda's request is labelled as a response to the Defence for Kilolo's *"Requête aux fins de récusation de l'Accusation dans le cadre de l'enquête et des poursuites visant M. Aimé Kilolo Musamba"* filed on 3 March 2014 ("Kilolo's Request"),² it goes beyond responding to Kilolo's Request and raises a number of new allegations against the Prosecutor and her staff to request the disqualification of the Prosecutor. As a result, Mangenda's Request is a new and separate request for disqualification. This is further illustrated by the title to Mangenda's Request, referring to as a joint request to Kilolo's Request.
3. Under these circumstances, the Prosecution should have the right to respond to Mangenda's Request pursuant to Article 42(8)(b) and Regulation 24(1). However, because Mangenda's Request is labelled as a "response" to Kilolo's Request, out of an abundance of caution the Prosecution seeks leave to respond to it. If leave is granted, the Prosecution will not repeat submissions that it will already make in its response to Kilolo's request, but will rather focus on the new allegations raised in Mangenda's Request.
4. If the Appeals Chamber grants the Prosecution's request to respond to Mangenda's Request, the Prosecution seeks further leave from the Appeals Chamber to file a consolidated response to Kilolo's Request and Mangenda's Request. This would enable the Prosecution to present its arguments in the most efficient manner. Accordingly, the Prosecution also requests the Appeals Chamber pursuant to Regulation 35(2) to extend the time and page limits for that

¹ ICC-01/05-01/13-250-Conf.

² ICC-01/05-01/13-233-Conf.

consolidated response. First, in relation to its Consolidated Response (i.e. to both Kilolo's request and Mangenda's Request), the Prosecution requests that the term of 21 days provided for in Regulation 34(b) shall start to run from the notification of Mangenda's Response (i.e. from 12 March 2014). Second, pursuant to Regulation 37(2), the Prosecution seeks an extension of the page limit for its Consolidated Response to a total of 30 pages. These extensions would allow the Prosecution to comprehensively and efficiently address all allegations made by both Kilolo and Mangenda.

5. Pursuant to Regulation 23bis(2), the Prosecution files this application confidentially because it related to other filings that are subject to the same classification. The Prosecution does not object to reclassifying this response as public.



Fatou Bensouda, Prosecutor

Dated this 13th Day of March 2014
At The Hague, The Netherlands