

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 April 2014

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 Document

**Prosecution's Submissions on issuing a single judgment or separate decisions on
Articles 74 and 76 of the Rome Statute**

Source: The Office of the Prosecutor

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

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1. On 7 April 2014, the Trial Chamber III (“Chamber”) ordered submissions on whether the decision on the merits of the case pursuant to Article 74 of the Rome Statute (“Statute”) and, in the event of a conviction, any decision on sentencing pursuant to Article 76 of the Statute, should be addressed in separate decisions or in a single judgment.¹

2. The Office of the Prosecutor (“Prosecution”) supports the procedure adopted by Trial Chambers I and II whereby an Article 76 decision on sentencing, if applicable, will be issued separately after a judgment on the merits has been rendered.² This approach will allow the parties and participants, with the benefit of the Chamber’s decision on the merits of the case, to make informed and targeted submissions on the most pertinent issues and factors that should be considered in determining the appropriate sentence. In addition, this may affect decisions on whether to call any witness and/or submit any limited documentary evidence for sentencing purposes only.³ Without the benefit of an Article 74 decision, such considerations and/or submissions may be unnecessary or uninformed, which will negatively affect the fair and expeditious conduct of proceedings pursuant to Article 64(2) of the Statute.

¹ ICC-01/05-01/08-3035, Decision on closure of evidence and other procedural matters, 7 April 2014, paras. 6 and 7(vi). In accordance with Regulation 33(1) of the Regulations of the Court, the Prosecution filed this submission on the next working day following the Chamber’s deadline to file by 21st April 2014, which was an official court holiday.

² ICC-01/05-01/08-3035, Decision on closure of evidence and other procedural matters, 7 April 2014, footnote 6: The Chamber notes that this corresponds to the approach adopted by Trial Chamber I and Trial Chamber II.

³ See, for example, ICC-01/04-01/07-3437, *Ordonnance portant calendrier de la procédure relative à la fixation de la peine (article 76 du Statut)*, pp. 5-6, paras. 5-7, p. 7, wherein Trial Chamber II requested observations on the relevant procedure for sentencing, pursuant to Rule 145 of the Rules of Procedure and Evidence (“Rules”), and whether parties and participants intended to call any witnesses and/or submit any documentary evidence for sentencing purposes.

Relief Sought

3. The Prosecution respectfully requests the Chamber to issue separate decisions on the merits of the case pursuant to Article 74 of the Statute and, in the event of a conviction, the appropriate sentence to be imposed in accordance with Article 76 of the Statute.



Fatou Bensouda, Prosecutor

Dated this 22nd Day of April 2014

At The Hague, The Netherlands