

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/13**
Date: **23 August 2016**

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 Document

**Prosecution's Request to Reply to Registry's Observations to "Prosecution's
Request to Obtain Financial Information from the Registry (ICC-01/05-01/13-1973)"**

Source: Office of the Prosecutor

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

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I. Introduction

1. The Office of the Prosecutor (“Prosecution”) requests Trial Chamber VII’s (“Chamber”) leave to reply to the *Registry’s Observations to the “Prosecution’s Request to Obtain Financial Information from the Registry”* (“Response”),¹ pursuant to regulation 24(5) of the Regulations of the Court.
2. The Response raises new and unforeseen issues² – namely, (1) the relevance of the costs associated with litigating this case rather than the Main Case – which was neither the subject of the Prosecution’s motion, nor implicit in the requested relief; and (2) the Registry’s proposal that it only produce “the additional costs incurred to meet the specific needs” of the Main Case and/or the 14 charged incidents.³
3. A limited and focused reply briefly clarifying the Prosecution’s position on these issues is in the interests of justice,⁴ as it will assist the Chamber in the proper determination of the matter before it, and, to the extent granted, the Registry in implementing the Chamber’s decision.

II. Submissions

4. In its reply, the Prosecution intends to address two issues raised in the Response:

- (i) Whether the “costs associated with organising Article 70 trial proceedings”⁵ is relevant to sentencing in this case and, thus, should be ordered by the Chamber; and

¹ ICC-01/05-01/13-1973.

² ICC-01/05-01/13-1931, para. 8 (granting Mangenda’s request to reply because the issue was one “he could not have foreseen would be raised”).

³ ICC-01/05-01/13-1973, paras. 8-9.

⁴ ICC-01/05-01/13-1931, para. 9 (granting Mangenda’s request to reply because it would be “in the interest of justice”).

⁵ ICC-01/05-01/13-1973, para. 5.

(ii) Whether the scope of the Prosecution's request extends to Court expenses that would have been incurred irrespective of the Main Case.

5. Should the Chamber grant the requested leave, the Prosecution can file its reply by 16:00 on Thursday, 25 August 2016, ensuring distribution to the Chamber and the Parties on the same day.

III. Relief Requested

6. For the foregoing reasons, the Prosecution requests the Chamber to grant it leave to reply to the Response.



Fatou Bensouda, Prosecutor

Dated 23rd Day of August 2016
At The Hague, The Netherlands