



Original: English

**No. ICC-01/05-01/08 A
Date: 31 May 2017**

THE APPEALS CHAMBER

Before: Judge Christine Van den Wyngaert, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Chile Eboe-Osuji
Judge Piotr Hofmański

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

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

Public document

Decision on the filing of submissions pursuant to regulation 28

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

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Helen Brady

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Legal Representative of Victims

Ms Marie-Edith Douzima-Lawson

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

REGISTRY

Registrar

Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III entitled “Judgment pursuant to Article 74 of the Statute” of 21 March 2016 (ICC-01/05-01/08-3343),

Having before it the Prosecutor’s “Request to make additional submissions under regulation 28 concerning two issues” of 8 February 2017 (ICC-01/05-01/08-3498),

Pursuant to regulation 28 of the Regulations of the Court,

Renders unanimously the following

DECISION

The Prosecutor’s “Request to make additional submissions under regulation 28 concerning two issues” is rejected.

REASONS

1. On 8 February 2017, the Prosecutor filed a request to make additional submissions under regulation 28¹ (“Prosecutor’s Request”) regarding: (i) the argument that information relevant to the article 70 proceedings was disclosed long after closing submissions, which, she submits, Jean-Pierre Bemba Gombo (“Mr Bemba”) raised for the first time in his reply to the Prosecutor’s response to the document in support of the appeal, and (ii) the Prosecutor’s legal interpretation of article 28 of the Statute and the significance of her relevant prior submissions during the pre-trial and trial stages.²

2. On 2 March 2017, Mr Bemba filed a response to the Prosecutor’s Request, in which he argues that submissions that the Prosecutor proposes to make are

¹ “Request to make additional submissions under regulation 28 concerning two issues”, ICC-01/05-01/08-3498 (A).

² Prosecutor’s Request, para. 9.

unnecessary for the proper determination of the appeal and could have been addressed in the Prosecutor's response to the document in support of the appeal.³

3. Regulation 28 (1) of the Regulations of the Court vests the Appeals Chamber with discretionary power to order the submission of clarifications or additional details on any document. The Appeals Chamber has considered the Prosecutor's Request in light of the issues on appeal to which the proposed submissions relate and finds that the proposed further submissions are not necessary for its determination. Therefore, the Appeals Chamber rejects the Prosecutor's Request.

Done in both English and French, the English version being authoritative.



Judge Christine Van den Wyngaert
Presiding Judge

Dated this 31st day of May 2017

At The Hague, The Netherlands

³ "Appellant's response to the Prosecution's 'Request to make additional submissions under regulation 28 concerning two issues'", ICC-01/05-01/08-3506 (A), paras 25-26.