



Original: English

No.: ICC-01/05-01/13
Date: 12 September 2017

THE APPEALS CHAMBER

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Geoffrey A. Henderson
Judge Piotr Hofmański

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

Public redacted version of "Prosecution's request for leave to file a corrected version of its response brief", ICC-01/05-01/13-2207-Conf, 25 August 2017

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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Submissions

1. Upon further review of its response brief filed on 10 July 2017,¹ the Prosecution has identified mistakes in paragraph 73 of its Brief and seeks to correct them. The corrections would not alter the overall substance of the Prosecution's argument, but would enhance the accuracy of the submission. The Prosecution is, however, unclear if they fall within the typical scope of a corrigendum.² Out of an abundance of caution, the Prosecution respectfully seeks the Appeals Chamber's leave to make the following corrections to its response brief.

- Deletion of the word "subsequently" in paragraph 73 of its response brief, and the addition of the following words "Prosecution investigator ([REDACTED]) to" in footnote 211

2. The relevant sentences in paragraph 73 and footnote 211 should now read:

The four spreadsheets referred to by Mangenda²⁰⁹ were not, as he suggests,²¹⁰ collected during the Prosecution's visit but were emailed by P-267 to a Prosecution investigator.²¹¹

²⁰⁹ [Mangenda Brief](#), para. 24, fn. 33.

²¹⁰ [Mangenda Brief](#), para. 24.

²¹¹ The metadata for these documents (CAR-OTP-0092-0029; CAR-OTP-0092-0030; CAR-OTP-0092-0031; CAR-OTP-0092-0032) makes clear that they were attached to a 7 November 2012 email by **Prosecution investigator ([REDACTED])** to P-267; and *not* as Mangenda suggests, in the footnote, "given to the Prosecution on 4 November 2014".

¹ ICC-01/05-01/13-2170-Conf. *See also* ICC-01/05-01/13-2170-Conf-Corr.

² *E.g.*, ICC-01/04-01/10-514 OA 4, para. 12; ICC-01/11-01/11-175 OA 3, para. 7.

3. The Prosecution stands ready to file a corrected version of its response brief as soon as such indication is provided.³

Confidentiality

4. The Prosecution files this submission as “Confidential” pursuant to regulation 23*bis* of the Regulations of the Court, since it refers to confidential information. The Prosecution will file a public redacted version in due course.



Fatou Bensouda, Prosecutor

Dated this 12th day of September 2017⁴
At The Hague, The Netherlands

³ Pursuant to the Appeals Chamber’s order ICC-01/05-01/13-2197, the Prosecution will file a public redacted version of its response brief which will not reflect the requested correction on 25 August 2017. It will file a subsequent public redacted version of the response brief reflecting this correction if leave is granted.

⁴ This submission complies with regulation 36, as amended on 6 December 2016: ICC-01/11-01/11-565 OA 6 (“*Al Senussi AD*”), para. 32.