

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 January 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

Decision on "Prosecution's Request for leave to reply to Defence 'Response to the Prosecution's Application to Submit Additional Evidence'"

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Legal Representatives of the Victims

Ms Marie-Édith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Other
Reparations Section**

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”) in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Decision on the “Prosecution’s Request for leave to reply to Defence ‘Response to the Prosecution’s Application to Submit Additional Evidence’” (“Decision”).

1. On 29 November 2013, the Office of the Prosecutor (“prosecution”) filed its “Prosecution Application to Submit Additional Evidence” (“Prosecution Application”),¹ in which it requests the Chamber to allow the prosecution to disclose and submit additional evidence, pursuant to Regulation 35(2) of the Regulations of the Court (“Regulations”); or, in the alternative, that the Chamber order the submission of the additional evidence for the determination of the truth.²
2. On 15 January 2014, the defence for Mr Jean-Pierre Bemba (“defence”) filed its confidential “Response to the Prosecution’s Application to Submit Additional Evidence” (“Defence Response”),³ in which it requests the Chamber to reject the Prosecution Application.
3. On 20 January 2014, the prosecution filed a request for leave to reply to the Defence Response, pursuant to Regulation 24(5) of the Regulations.⁴ In its request, the prosecution contends that the Chamber will benefit from receiving additional observations from the prosecution.⁵ The prosecution submits that the Defence Response “raises novel arguments that could not have been anticipated, but which have a significant bearing on the Prosecution Application and on the proceedings”.⁶ The prosecution raises

¹ Prosecution’s Application to Submit Additional Evidence, 29 November 2013, ICC-01/05-01/08-2910.

² ICC-01/05-01/08-2910, paragraphs 9 and 10.

³ Defence Response to the Prosecution’s Application to Submit Additional Evidence, 15 January 2014, ICC-01/05-01/08-2937-Conf.

⁴ Prosecution’s Request for leave to reply to Defence “Response to the Prosecution’s Application to Submit Additional Evidence”, 20 January 2014, ICC-01/05-01/08-2940.

⁵ ICC-01/05-01/08-2940, paragraph 2.

⁶ ICC-01/05-01/08-2940, paragraph 3.

three issues in support of this as follows:⁷

- i. Whether evidence of witness bribery and coaching in this case is rebuttal evidence and/or relevant evidence necessary for the determination of the truth;
- ii. Whether the Prosecution's submission of additional evidence under the circumstances is justifiable;
- iii. Whether the Accused is prejudiced by the disclosure of additional evidence of witness bribery and coaching when he and other members of his Defence team consciously and knowingly based their case on false evidence.

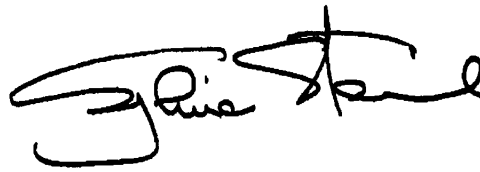
4. The Chamber considers that it may benefit from hearing the views of the prosecution on these issues and finds that the request is well-founded. Leave to reply will therefore be granted.

5. For the foregoing reasons, the Chamber:

- a. GRANTS the prosecution's request for leave to reply, pursuant to Regulation 24(5) of the Regulations; and
- b. ORDERS that the prosecution's reply be filed no later than 16:00 on 28 January 2014, pursuant to Regulation 35(2) of the Regulations.

⁷ ICC-01/05-01/08-2940, paragraph 3

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 22 January 2014

At The Hague, the Netherlands