



Original: **English**

No.: ICC-01/05-01/08
Date: 14 November 2016

TRIAL CHAMBER III

Before: Judge Joyce Aluoch, Presiding
Judge Geoffrey Henderson
Judge Chang-ho Chung

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
v. JEAN-PIERRE BEMBA GOMBO**

Public Document

Order on the Defence Request for Transmission of Information

Order 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-Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Ms Melinda Taylor

Trial Chamber III (“Chamber”) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, issues the following “Order on the Defence Request for the Transmission of Information”.

I. Procedural background

1. On 21 March 2016, the Chamber issued the Judgment pursuant to Article 74 of the Statute (“Judgment”).¹
2. On 21 June 2016, the Chamber issued the Decision on Sentence pursuant to Article 76 of the Statute (“Sentence Decision”).²
3. On 4 April 2016, the Defence filed its Notice of Appeal against the Judgment.³
4. On 22 July 2016, the Defence filed its Notice of Appeal against the Sentence Decision.⁴
5. On 10 November 2016, the Defence for Mr. Bemba in case ICC-01/05-01/13 (“the Defence”) requested the transmission of document ICC-01/05-01/08-3375-Conf-AnxIII to the parties to case ICC-01/05-01/13 (“Request”).⁵ The Defence contends that such document is relevant to potential Defence submissions in the sentencing proceedings in case ICC-01/05-01/13 and that, therefore, it is necessary for the effective representation of Mr. Bemba.⁶

¹ Judgment pursuant to Article 74 of the Statute, 21 March 2016, 21 March 2016, [ICC-01/05-01/08-3343](#).

² Decision on Sentence pursuant to Article 76 of the Statute, 21 June 2016, [ICC-01/05-01/08-3399](#).

³ Defence Notice of Appeal against the Judgment pursuant to Article 74 of the Statute, 4 April 2016, [ICC-01/05-01/08-3348](#).

⁴ Defence Notice of Appeal against Decision on Sentence pursuant to Article 76 of the Statute, 22 July 2016, [ICC-01/05-01/08-3412](#).

⁵ Request for the Transmission of Information, 10 November 2016, [ICC-01/05-01/08-3467](#), para. 1.

⁶ Request for the Transmission of Information, 10 November 2016, [ICC-01/05-01/08-3467](#), para. 3.

II. Analysis.

6. The Chamber notes that pursuant to Rule 151(1) of the Rules of Procedure and Evidence, upon the filing of an appeal against the Judgment or the Sentence Decision, the Registrar shall transmit the trial record to the Appeals Chamber. In addition, pursuant to Article 83 of the Rome Statute, for the purposes of proceedings under Article 81, the Appeals Chamber shall have all the powers of the Trial Chamber.
7. The Chamber considers that the trial record has been transmitted to the Appeals Chamber. Accordingly, the Defence shall seek relief from the Appeals Chamber, which is best positioned to take a decision on the Request. Accordingly, the Chamber rejects *in limine* the Request.

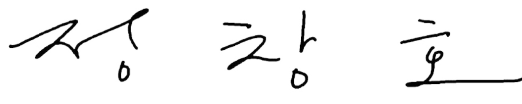
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

REJECTS the Request.

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


 Judge Joyce Aluoch


 Judge Geoffrey Henderson


 Judge Chang-ho Chung

Dated this 14 November 2016

At The Hague, The Netherlands