



**Original: English**

**No. ICC-01/05-01/08 A 2 A 3  
Date: 1 September 2016**

**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 participation of victims in the appeals against Trial Chamber III's "Decision on Sentence pursuant to Article 76 of the Statute"**

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

**The Office of the Prosecutor**  
Ms Fatou Bensouda, Prosecutor  
Ms Helen Brady

**Counsel for the Defence**  
Mr Peter Haynes  
Ms Kate Gibson

**Legal Representative of Victims**  
Ms Marie-Edith Douzima-Lawson

**REGISTRY**

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**Registrar**  
Mr Herman von Hebel

**Victims Participation and Reparations  
Section**  
Ms Isabelle Guibal

The Appeals Chamber of the International Criminal Court,

In the appeals of the Prosecutor and Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III entitled “Decision on Sentence pursuant to Article 76 of the Statute” of 21 June 2016 (ICC-01/05-01/08-3399),

*Renders* unanimously the following

## DECISION

- (1) The victims who participated in the trial and sentencing proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* may, through their legal representative, participate in the present appeal proceedings for the purpose of presenting their views and concerns in respect of their personal interests in the issues on appeal.
- (2) The legal representative of victims may file consolidated observations within 30 days of the notification of the last response to the documents in support of the appeals and these observations may be no longer than 30 pages.
- (3) Mr Jean-Pierre Bemba Gombo and the Prosecutor may each file a response to the victims’ observations filed in accordance with the preceding paragraph. These responses must be filed within 30 days of the notification of the victims’ observations and may be no longer than 30 pages each.

## REASONS

1. The purpose of the present decision is to regulate the participation of victims in the appeals brought by the Prosecutor<sup>1</sup> and Mr Jean-Pierre Bemba Gombo<sup>2</sup> (“Mr Bemba”) against Trial Chamber III’s “Decision on Sentence pursuant to Article 76 of the Statute”<sup>3</sup> of 21 June 2016 (“Sentencing Decision”).
2. Under article 68 (3) of the Statute, “[w]here the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and

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<sup>1</sup> “Prosecution’s Notice of Appeal against Trial Chamber III’s ‘Decision on Sentence pursuant to Article 76 of the Statute’”, 22 July 2016, [ICC-01/05-01/08-3411](#) (A 2) (“Prosecutor’s Notice of Appeal”).

<sup>2</sup> “Defence Notice of Appeal against Decision on Sentence pursuant to Article 76 of the Statute, ICC-01/05-01/08-3399”, 22 July 2016, [ICC-01/05-01/08-3412](#) (A 3) (“Mr Bemba’s Notice of Appeal”).

<sup>3</sup> [ICC-01/05-01/08-3399](#).

considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”.

3. The Appeals Chamber notes that Trial Chamber III issued eleven decisions on victim participation, authorising 5,229 victims to participate in the trial proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.<sup>4</sup> In the absence of any indication to the contrary, the Appeals Chamber assumes that those same victims participated in the sentencing proceedings. Pursuant to regulation 86 (8) of the Regulations of the Court, “[a] decision taken by a Chamber under rule 89 shall apply throughout the proceedings in the same case, subject to the powers of the relevant Chamber in accordance with rule 91, sub-rule 1”. The Appeals Chamber notes that Mr Bemba was convicted and sentenced in relation to all of the charges brought against him<sup>5</sup> and that the appeals against the Sentencing Decision are directed against the entirety of the decision.<sup>6</sup> Therefore, the Appeals Chamber finds that the victims who participated in the sentencing proceedings may participate in the appeal proceedings against the Sentencing Decision, as, in principle, their personal interests are affected by the appeals in the same way as during the sentencing proceedings.<sup>7</sup>

4. Pursuant to rule 91 (1) of the Rules of Procedure and Evidence (“Rules”), and having regard to rules 91 (2), 92 (5) and (6) of the Rules, the Appeals Chamber determines that the victims may participate in the present appeals in the following manner: the legal representative of victims may file observations presenting the victims’ views and concerns with respect to the issues on appeal insofar as their personal interests are affected within 30 days of the notification of the last response to the documents in support of the appeals. These observations may be no longer than 30 pages. Mr Bemba and the Prosecutor may each file a response to the victims’

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<sup>4</sup> “Judgment pursuant to Article 74 of the Statute”, 21 March 2016, [ICC-01/05-01/08-3343](#) (“Conviction Decision”), paras 18, 21.

<sup>5</sup> Conviction Decision, para. 752; Sentencing Decision, paras 33, 40, 51.

<sup>6</sup> Prosecutor’s Notice of Appeal, para. 3; Mr Bemba’s Notice of Appeal, para. 7.

<sup>7</sup> See, with respect to victims’ participation in the appeal against the Conviction Decision, “Decision on the participation of victims in the appeal against Trial Chamber III’s ‘Judgment pursuant to Article 74 of the Statute’”, 15 April 2016, [ICC-01/05-01/08-3369](#) (A), para. 3. See also *The Prosecutor v. Thomas Lubanga Dyilo*, “Decision on the participation of victims in the appeals against Trial Chamber I’s conviction and sentencing decisions”, 13 December 2012, [ICC-01/04-01/06-2951](#) (A4 A5 A6); *The Prosecutor v. Mathieu Ngudjolo Chui*, “Decision on the participation of victims in the appeal against Trial Chamber II’s ‘Jugement rendu en application de l’article 74 du Statut’”, 6 March 2013, [ICC-01/04-02/12-30](#) (A).

observations within 30 days of the notification thereof. These responses may be no longer than 30 pages each. Should the need arise to specify the modalities of victims' participation in the pending appeals further, the Appeals Chamber will give supplementary directions, either upon its own motion or upon application by the legal representative of victims.

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



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**Judge Christine Van den Wyngaert**  
**Presiding Judge**

Dated this 1<sup>st</sup> day of September 2016

At The Hague, The Netherlands