



**Original: English**

**No. ICC-01/05-01/08 A 2 A 3**

**Date: 16 November 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**

**Order for the filing of a document in the record of another case**

**Order 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

**Others**

Ms Melinda Taylor, counsel for Mr Jean-Pierre Bemba Gombo in the case of *Prosecutor v. Jean-Pierre Bemba Gombo et al.* (ICC-01/05-01/13)

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

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),

Having before it the “Request for the Transmission of Information” filed by counsel for Mr Jean-Pierre Bemba Gombo in the case of *Prosecutor v. Jean-Pierre Bemba Gombo et al.* (ICC-01/05-01/13) on 14 November 2016 (ICC-01/05-01/08-3469),

*Issues* the following

## ORDER

1. The Registrar is directed to file, forthwith, document ICC-01/05-01/08-3375-Conf-AnxIII in the record of the case of *Prosecutor v. Jean-Pierre Bemba Gombo et al.* (ICC-01/05-01/13), as a confidential document available to the parties in that case.
2. The Registrar is directed to re-stamp filing ICC-01/05-01/08-3469 (A) to reflect that it is filed in the record of the appeals 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).

## REASONS

1. On 14 November 2016, counsel for Mr Jean-Pierre Bemba Gombo (“Mr Bemba”) in the case of *Prosecutor v. Jean-Pierre Bemba Gombo et al.* (“Article 70 Case”) filed the “Request for the Transmission of Information”<sup>1</sup> (“Request for Transmission”), in which she requests the Appeals Chamber to transmit document ICC-01/05-01/08-3375-Conf-AnxIII to the parties in that case. Counsel submits that the Registry filed that document in the record of the present case on a confidential basis and that the document may be relevant to potential submissions by the defence in respect of sentencing in the Article 70 Case.<sup>2</sup> Counsel further argues that no issues

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<sup>1</sup> ICC-01/05-01/08-3469 (A).

<sup>2</sup> Request for Transmission, para. 3.

arise under article 68 (1) of the Statute, given that “the requester is also the object of the report”.<sup>3</sup>

2. Having considered the submissions of counsel for Mr Bemba in the Article 70 Case and having had regard to the nature of the document in question, the Appeals Chamber finds no impediment to granting the Request for Transmission. Accordingly, the Appeals Chamber directs the Registrar to file the document in the record of the Article 70 Case.

3. The Appeals Chamber further notes that the case number given on the cover sheet of the Request for Transmission, which is also reflected in the stamp registering that document, incorrectly refers to the record of the appeal against the “Judgment pursuant to Article 74 of the Statute” of 21 March 2016 (ICC-01/05-01/08-3343). The Appeals Chamber therefore directs the Registrar to re-stamp the Request for Transmission so that it is properly in the record of the present appeals.

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



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

Dated this 16th day of November 2016

At The Hague, The Netherlands

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<sup>3</sup> Request for Transmission, para. 3.