



Original: **English**

No.: **ICC-01/05-01/13**

Date: **05/12/2016**

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan

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

Response to the “Application to Vary the Sentencing Calendar”

Source: Defence for Mr. Jean-Pierre Bemba Gombo

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

The Office of the Prosecutor

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Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Other

1. The Defence for Mr. Bemba hereby files its response to the Joint 'Application to Vary the Sentencing Calendar'.¹
2. The Defence does not oppose the relief being sought, but submits that in the case of Mr. Bemba, the additional time would not be an adequate remedy if the Registry were to include new and unforeseen conclusions and information in its Observations.
3. The submission of such new information would be contrary to the spirit of the sentencing calendar, which recognised that all additional information and evidence should be disclosed to the parties by 24 November 2016.
4. Mr. Bemba's financial situation is also exceedingly complex (in particular, due to the implications of the asset freeze imposed by the Court), and has implications for both ICC-01/05-01/08 and ICC-01/05-01/13.
5. For this reason, the Defence made several attempts to meet with the Registry to discuss issues that might be in dispute, and further requested the Registry to provide the Defence with any information or documentation that might be relevant to its assessment of Mr. Bemba's financial status. The Registry declined all such requests.²
6. The Defence has also yet to receive the preliminary position of the Counsel Support Section (CSS) on matters brought to CSS's attention in July and August this year, and supplemented in detail in October.
7. Bearing in mind that Mr. Bemba is in detention – and cannot access relevant information directly – it would be significantly prejudicial to require the

¹ ICC-01/05-01/13-2071.

² ICC-01/05-01/13-1997-Conf-Exp-Anx1.

Defence to respond to new or unforeseen information in a meaningful manner, within such a compressed time period. Rather than focussing on key issues concerning sentencing, the Defence would be forced to divert its time (and that of Mr. Bemba), resources, and limited page length to litigating peripheral property law issues (many of which are documented in a foreign language) and private matters concerning Mr. Bemba's family.

8. In light of these circumstances, it would be consistent with the tenor of Regulation 24(1) of the Regulations of the Court, and the practice of Trial Chamber III in the Main case,³ to authorise the Defence to submit additional discrete written observations if the Registry Observations include new information or evidence.



Melinda Taylor
Counsel of Mr. Jean-Pierre Bemba

Dated this 5th day of December 2016

The Hague, The Netherlands

³ ICC-01/05-01/08-3381-Conf