



Original: English

No. ICC-01/05-01/13 A A2 A3 A4 A5

Date: 18 August 2017

THE APPEALS CHAMBER

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Geoffrey A. Henderson
Judge Piotr Hofmański

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 document

**Decision on requests for leave to reply to the Prosecutor's consolidated response
to the documents in support of the appeal**

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 Jean-Pierre Bemba Gombo
Ms Melinda Taylor
Ms Mylène Dimitri

Counsel for Aimé Kilolo Musamba
Mr Michael G. Karnavas

Counsel for Jean-Jacques Mangenda Kabongo
Mr Christopher Gosnell
Mr Peter Robinson

Counsel for Fidèle Babala Wandu
Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido
Mr Charles Achaleke Taku
Ms Beth Lyons

REGISTRY

Registrar
Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu, and Mr Narcisse Arido against the decision of Trial Chamber VII entitled “Judgment pursuant to Article 74 of the Statute” of 19 October 2016 (ICC-01/05-01/13-1989-Red),

Having before it “Narcisse Arido’s Request for Leave to Reply to the ‘Prosecution’s Consolidated Response to the Appellants’ Documents in Support of Appeals [sic]’ (ICC-01/05-01/13-2170-Conf)” of 24 July 2017 (ICC-01/05-01/13-2180-Conf (A A2 A3 A4 A5)),

Having before it the “Demande d’autorisation de répliquer à« *Prosecution’s Consolidated Response to the Appellants’ Documents in Support of Appeal*» (ICC-01/05-01/13-2170-Conf)” of 24 July 2017 (ICC-01/05-01/13-2181-Conf (A A2 A3 A4 A5)),

Having before it the “Request for leave to reply to ‘Prosecution’s Consolidated Response to the Appellants’ Documents in Support of Appeal” of 24 July 2017 (ICC-01/05-01/13-2182-Conf (A A2 A3 A4 A5)),

Having before it the “Defence Request for Leave to Reply to the ‘Prosecution’s Consolidated Response to the Appellants’ Documents in Support of Appeal” of 24 July 2017 (ICC-01/05-01/13-2183-Conf (A A2 A3 A4 A5)),

Having before it the “Request for Leave to Reply to ‘Prosecution’s Consolidated Response to the Appellants’ Documents in Support of Appeal (ICC-01/05-01/13-2170-Conf)” of 24 July 2017 (ICC-01/05-01/13-2184 (A A2 A3 A4 A5)),

Having before it the “Defence Request for Leave to Reply to the Prosecution Consolidated Response Dated 27 July 2017” of 31 July 2017 (ICC-01/05-01/13-2188-Conf (A A2 A3 A4 A5)),

Renders the following

DECISION

1. Mr Jean-Pierre Bemba Gombo's request for leave to reply to the Prosecutor's consolidated response to the requests for leave to reply is rejected.
2. Mr Narcisse Arido's, Mr Fidèle Babala Wandu's, Mr Jean-Jacques Mangenda Kabongo's, Mr Jean-Pierre Bemba Gombo's, and Mr Aimé Kilolo Musamba's requests for leave to reply to the Prosecutor's consolidated response to the documents in support of the appeal are rejected.
3. The Registrar is directed to reclassify documents ICC-01/05-01/13-2181-Conf and ICC-01/05-01/13-2184-Conf as public.
4. The Prosecutor is directed to file a public redacted version of document ICC-01/05-01/13-2170-Conf by 16h00 on Friday, 25 August 2017.
5. Mr Narcisse Arido is directed to file a public redacted version of document ICC-01/05-01/13-2180-Conf or indicate that it may be reclassified as public by 16h00 on Thursday, 31 August 2017.
6. Mr Jean-Jacques Mangenda Kabongo is directed to file a public redacted version of document ICC-01/05-01/13-2182-Conf or indicate that it may be reclassified as public by 16h00 on Thursday, 31 August 2017.
7. Mr Jean-Pierre Bemba Gombo is directed to file a public redacted version of document ICC-01/05-01/13-2183-Conf by 16h00 on Thursday, 31 August 2017.
8. The Prosecutor is directed to file a public redacted version of document ICC-01/05-01/13-2187-Conf or indicate that it may be reclassified as public by 16h00 on Wednesday, 6 September 2017.

REASONS

I. PROCEDURAL HISTORY

1. On 19 October 2016, Trial Chamber VII rendered the “Judgment pursuant to Article 74 of the Statute”¹ (“Conviction Decision”).
2. Mr Narcisse Arido (“Mr Arido”),² Mr Fidèle Babala Wandu (“Mr Babala”),³ Mr Jean-Jacques Mangenda Kabongo (“Mr Mangenda”),⁴ Mr Jean-Pierre Bemba Gombo (“Mr Bemba”),⁵ and Mr Aimé Kilolo Musamba (“Mr Kilolo”) ⁶ filed appeals against the Conviction Decision.
3. Mr Bemba,⁷ Mr Mangenda,⁸ Mr Arido,⁹ and Mr Babala¹⁰ filed their documents in support of the appeal on 24 April 2017, and Mr Kilolo¹¹ filed his document in support of the appeal on 25 April 2017.

¹ ICC-01/05-01/13-1989-Conf; a public redacted version was registered on the same date ([ICC-01/05-01/13-1989-Red](#)).

² “Narcisse Arido’s Notice of Appeal against the Trial Chamber VII’s ‘Judgment pursuant to Article 74 of the Statute’ (ICC-01/05-01/13-1989-Conf)”, dated 31 October 2016 and registered on 1 November 2016, [ICC-01/05-01/13-1995 \(A\)](#).

³ “Notification d’appel de la Défense de M. Fidèle Babala Wandu à l’encontre du jugement rendu en application de l’article 74 du Statut par la Chambre de première instance VII le 19 octobre 2016”, 2 November 2016, [ICC-01/05-01/13-1999 \(A2\)](#).

⁴ “Notice of Appeal”, 4 November 2016, [ICC-01/05-01/13-2006 \(A3\)](#).

⁵ “Notice of Appeal”, 7 November 2016, [ICC-01/05-01/13-2012 \(A4\)](#).

⁶ “Acte d’appel de la Défense de Maître Aimé Kilolo Musamba à l’encontre du «*Judgment pursuant to Article 74 of the Statute*» (ICC-01/05-01/13-1989-Conf) rendu par la Chambre de première instance VII le 19 octobre 2016.”, dated 7 November 2016 and registered on 8 November 2016, [ICC-01/05-01/13-2015 \(A5\)](#).

⁷ “Defence Document in Support of the Appeal”, ICC-01/05-01/13-2144-Conf with annexes; a public redacted version of the document in support of the appeal was registered on 4 May 2017 ([ICC-01/05-01/13-2144-Red](#)).

⁸ “Appeal Brief”, ICC-01/05-01/13-2143-Conf with annexes; a public redacted version of the document in support of the appeal was registered on 15 May 2017 ([ICC-01/05-01/13-2143-Red](#)).

⁹ “Narcisse Arido’s Document in Support of Appeal Pursuant to Article 81, ICC-01/05-01/13-2145-Conf, with annexes. A corrected version was registered on 8 May 2017 (ICC-01/05-01/13-2145-Conf-Corr) and a public redacted version of the corrected version was registered on 31 May 2017 ([ICC-01/05-01/13-2145-Corr-Red](#)).

¹⁰ “Mémoire d’appel de la Défense de M. Fidèle Babala Wandu sur le verdict de culpabilité”, ICC-01/05-01/13-2147-Conf, with annexes. A public redacted version was registered on 30 May 2017 ([ICC-01/05-01/13-2147-Corr-Red](#)) and the English version was registered on 10 July 2017 (ICC-01/05-01/13-2147-Conf-Corr-tENG).

¹¹ “Aimé Kilolo Musamba’s Appeal Brief”, original version dated 24 April 2017 and registered on 25 April 2017, ICC-01/05-01/13-2148-Conf with annexes. A corrigendum was registered on 28 April 2017 (ICC-01/05-01/13-2148-Conf-Corr). A second corrigendum registered on 19 May 2017 (ICC-01/05-01/13-2148-Conf-Corr2). A public redacted version registered on 27 July 2017 ([ICC-01/05-01/13-2148-Corr2-Red2](#)) with annexes.

4. On 10 July 2017, the Prosecutor filed her consolidated response to the five appellants' documents in support of the appeal¹² ("Prosecutor's Response to the Documents in Support of the Appeal").

5. On 14 July 2017, the Appeals Chamber rendered its "Decision on requests for variation of time limits for a request for leave to reply" directing that any request for leave to reply be filed by Monday, 24 July 2017.¹³ The reasons for this decision were filed on 14 August 2017.¹⁴

6. On 24 July 2017, Mr Arido,¹⁵ Mr Babala,¹⁶ Mr Mangenda,¹⁷ Mr Bemba¹⁸ and Mr Kilolo¹⁹ filed requests seeking leave to reply to the Prosecutor's Response to the Documents in Support of the Appeal.

7. On 27 July 2017, the Prosecutor filed her response to the five appellants' requests for leave to reply²⁰ ("Prosecutor's Response").

8. On 31 July 2017, Mr Bemba filed a request for leave to reply to the Prosecutor's Response²¹ ("Mr Bemba's Request for Leave to Reply to Prosecutor's Response").

¹² "Prosecution's Consolidated Response to the Appellants' Documents in Support of Appeal", ICC-01/05-01/13-2170-Conf.

¹³ [ICC-01/05-01/13-2175 \(A A2 A3 A4 A5\)](#), p. 3

¹⁴ "Order on reclassification of documents and Reasons for the 'Decision on requests for variation of time limits for a request for leave to reply'", [ICC-01/05-01/13-2196](#) ("Reasons for Decision on Variation of Time-Limits").

¹⁵ "Narcisse Arido's Request for Leave to Reply to the 'Prosecution's Consolidated Response to the Appellants' Documents in Support of Appeals [sic]' (ICC-01/05-01/13-2170-Conf)", ICC-01/05-01/13-2180-Conf (A A2 A3 A4 A5) ("Mr Arido's Request").

¹⁶ "Demande d'autorisation de répliquer à« *Prosecution's Consolidated Response to the Appellants' Documents in Support of Appeal*» (ICC-01/05-01/13-2170-Conf)", ICC-01/05-01/13-2181-Conf (A A2 A3 A4 A5) ("Mr Babala's Request"). The English version was registered on 8 August 2017 (ICC-01/05-01/13-2181-Conf-tENG).

¹⁷ "Request for leave to reply to 'Prosecution's Consolidated Response to the Appellants' Documents in Support of Appeal'", ICC-01/05-01/13-2182-Conf (A A2 A3 A4 A5) ("Mr Mangenda's Request").

¹⁸ "Defence Request for Leave to Reply to the 'Prosecution's Consolidated Response to the Appellants' Documents in Support of Appeal'", ICC-01/05-01/13-2183-Conf (A A2 A3 A4 A5) ("Mr Bemba's Request").

¹⁹ "Request for Leave to Reply to 'Prosecution's Consolidated Response to the Appellants' Documents in Support of Appeal (ICC-01/05-01/13-2170-Conf)", [ICC-01/05-01/13-2184 \(A A2 A3 A4 A5\)](#) ("Mr Kilolo's Request").

²⁰ "Prosecution's Consolidated Response to the Appellants' Requests for Leave to Reply to 'Prosecution's Consolidated Response to the Appellants' Document in Support of the Appeal'", ICC-01/05-01/13-2187-Conf (A A2 A3 A4 A5).

²¹ "Defence Request for Leave to Reply to the Prosecution Consolidated Response Dated 27 July 2017", ICC-01/05-01/13-2188-Conf (A A2 A3 A4 A5). A public redacted version was registered on 7 August 2017 ([ICC-01/05-01/13-2188-Red](#)).

II. SUBMISSIONS

9. Mr Arido requests leave to reply under both regulations 24 (5) and 60 (1) of the Regulations of the Court (“Regulations”).²² He submits that the Prosecutor’s Response to the Documents in Support of the Appeal often “misrepresents or mischaracterizes, distorts or misquotes and/or otherwise miscomprehends”²³ the Conviction Decision and his document in support of the appeal, thus warranting a reply on his part.²⁴

10. Mr Arido contends that the Prosecutor has raised new issues in her response concerning the admissibility and assessment of the evidence as well as the applicable standard for conviction that warrant a reply.²⁵ He further intends to reply to certain legal aspects raised by the Prosecutor, namely (i) the scope and elements of article 70 (1) (c) of the Statute; (ii) the scope of appellate review under article 81 (1) (b) (iv) of the Statute; and (iii) the interpretation of rule 111 of the Rules.²⁶ Mr Arido contends that the Prosecutor made submissions that were procedurally incorrect in relation to his request for admission of additional evidence and equally opposes the Prosecutor’s request for admission of evidence in response.²⁷

11. Mr Babala submits that he does not understand English and that the unavailability of the French version of the Prosecutor’s Response to the Documents in Support of the Appeal places him on at a disadvantage compared to the others appellants as articles 50 and 67 (1) (a), (b) and (f) of the Statute provide that he should be entitled to a French translation of any filings for the preparation of his defence.²⁸ Mr Babala seeks to reply, pursuant to regulation 24 (5) of the Regulations,²⁹ to the following four points: (i) the Prosecutor’s lack of response to his document in support of the appeal; (ii) the moment when immunities of members of Mr Bemba’s defence team is lifted; (iii) the power of the Appeals Chamber to reverse a judgment on the

²² Mr Arido’s Request, paras 5, 86.

²³ Mr Arido’s Request, para. 9.

²⁴ Mr Arido’s Request, paras 11-25, 31-35, 54-56, 68-72, 80-82.

²⁵ Mr Arido’s Request, paras 27-30, 36-45, 54-56, 73-78, 84-85.

²⁶ Mr Arido’s Request, paras 46-53, 83.

²⁷ Mr Arido’s Request, paras 57-67.

²⁸ Mr Babala’s Request, paras 1-6.

²⁹ Mr Babala’s Request, paras 20-21.

ground of an irregularity even if the author of that irregularity is the Presidency of the Court; and (iv) the Prosecutor's misrepresentations of Mr Babala's statements.³⁰

12. Mr Mangenda requests leave to reply pursuant to both regulations 24 (5) and 60 (1) of the Regulations.³¹ He submits that a reply is warranted with respect to the following issues raised in the Prosecutor's Response to the Documents in Support of the Appeal: (i) arguments that were never raised before the Trial Chamber;³² (ii) inaccurate, out of context, or incomplete descriptions of evidence;³³ (iii) discussion of the purported limited impact of an error made by the Trial Chamber and acknowledged by the Prosecutor;³⁴ and (iv) discussion of specific legal sources cited by the Prosecutor for the first time in her response.³⁵ In his view, these issues are pertinent to the proper adjudication of the appeal and a reply is in the interests of justice.³⁶

13. Mr Bemba requests that the Appeals Chamber grant his request for leave to reply pursuant to regulation 60 (1) of the Regulations and set the deadline for its submission for 21 September 2017.³⁷ Mr Bemba submits that, in light of the fact that the present proceedings concern article 70 rather than article 5 offences and it is therefore unknown which approach will be adopted by the Appeals Chamber, he has included detailed information on the specific issues to which he seeks leave to reply in the request itself.³⁸ Mr Bemba seeks to reply to the following points: (i) inaccurate or misleading statements of fact and law;³⁹ (ii) specific uncontested points and the impact of certain concessions by the Prosecutor on key findings which, in turn, impact on the outcome of the Conviction Decision;⁴⁰ (iii) changes in the Prosecutor's theory of the case and arguments introduced by the Prosecutor for the first time in her response;⁴¹ (iv) new legal arguments raised by the Prosecutor in her response;⁴² and

³⁰ Mr Balala's Request, paras 26-37.

³¹ Mr Mangenda's Request, paras 4, 15.

³² Mr Mangenda's Request, paras 1, 7-8, 10-11.

³³ Mr Mangenda's Request, paras 1, 7, 9.

³⁴ Mr Mangenda's Request, paras 1, 7, 10.

³⁵ Mr Mangenda's Request, paras 1, 7, 11.

³⁶ Mr Mangenda's Request, para. 1.

³⁷ Mr Bemba's Request, paras 1, 4, 6, 39.

³⁸ Mr Bemba's Request, para. 11.

³⁹ Mr Bemba's Request, paras 13-16.

⁴⁰ Mr Bemba's Request, paras 17-21.

⁴¹ Mr Bemba's Request, paras 22-25.

(v) the approach advanced by the Prosecutor regarding the standard of appellate review.⁴³

14. Mr Kilolo argues that a reply is “necessary to correct” the Prosecutor’s “inaccuracies and mischaracterizations” of his arguments and to provide the Appeals Chamber “with a complete and accurate view of the issues addressed in Mr Kilolo’s appeal”.⁴⁴ Mr Kilolo argues that “[c]onsidering the complexity and novelty of the issues on appeal and the impact of the appeal on Mr Kilolo”, his request for a limited reply on specific issues should be granted in the interests of justice.⁴⁵

15. The Prosecutor responds that, with the exception of two discrete issues raised by Mr Arido and Mr Mangenda, the five appellants’ requests for leave to reply should be rejected for having failed to demonstrate good cause.⁴⁶ The Prosecutor contends that, in deciding on the requests under regulation 60 of the Regulations, the Appeals Chamber should not depart from the principles developed in the jurisprudence related to regulation 24 (5) of the Regulations.⁴⁷ According to the Prosecutor, further arguments on the issues identified by the appellants do not serve the interests of justice and could have been reasonably foreseen.⁴⁸ She argues that the arguments which the appellants seek to make in reply: (i) are already raised in the documents in support of the appeal or could have been reasonably anticipated;⁴⁹ (ii) are inaccurate or misrepresent the Prosecutor’s Response to the Documents in Support of the Appeal;⁵⁰ or (iii) are mere disagreements with her submissions.⁵¹ In addition, the Prosecutor asserts that Mr Bemba should not be allowed to raise a new ground of appeal in his reply.⁵² Finally, the Prosecutor submits that leave to reply may instead be granted to Mr Mangenda in relation to two discrete issues because of evidence that

⁴² Mr Bemba’s Request, paras 26-36.

⁴³ Mr Bemba’s Request, paras 37-38.

⁴⁴ Mr Kilolo’s Request, p. 3.

⁴⁵ Mr Kilolo’s Request, p. 3.

⁴⁶ Prosecutor’s Response, paras 1, 9, 13, 38.

⁴⁷ Prosecutor’s Response, paras 5-6.

⁴⁸ Prosecutor’s Response, para. 9.

⁴⁹ Prosecutor’s Response, paras 9, 14, 18, 20, 22, 29-30.

⁵⁰ Prosecutor’s Response, paras 9, 19, 21, 26, 29-31, 35.

⁵¹ Prosecutor’s Response, paras 9, 12, 17-18, 20, 22, 25, 31, 36-37.

⁵² Prosecutor’s Response, para. 16.

she recently disclosed, and to Mr Arido in relation to the additional evidence that she adduces in response to Mr Arido's proposed additional evidence on appeal.⁵³

III. MERITS

A. Preliminary Issue – Mr Bemba's Request for Leave to Reply to Prosecutor's Response

16. In Mr Bemba's Request for Leave to Reply to the Prosecutor's Response, Mr Bemba submits that, at least two of the issues raised in his original request for leave to reply, concern information that had not been disclosed by the Prosecutor previously.⁵⁴ He contends that information relevant to these points was disclosed after he had filed his request for leave to reply to the Prosecutor's Response to the Documents in Support of the Appeal.⁵⁵

17. The Appeals Chamber notes that regulation 24 (5) of the Regulations provides that leave of the Chamber is required to reply to a response. The Appeals Chamber considers that the question of whether leave to reply should be granted lies within its discretionary powers and must be considered on a case-by-case basis.⁵⁶ In the circumstances of the present case, the Appeals Chamber is not persuaded by Mr Bemba's submission⁵⁷ that a reply on the identified issues would be in the interests of justice and assist the Appeals Chamber in its determination of the matter. Mr Bemba's Request for Leave to Reply to Prosecutor's Response is accordingly rejected.

B. Requests for Leave to Reply to the Prosecutor's Response to the Documents in Support of the Appeal

18. The Appeals Chamber recalls that, pursuant to regulation 60 (1) of the Regulations, it may order an appellant to file a reply whenever it considers it necessary in the interests of justice. Accordingly, the ordering of the filing of a reply

⁵³ Prosecutor's Response, paras 1, 9, 13, 31-33, 38.

⁵⁴ Mr Bemba's Request for Leave to Reply to Prosecutor's Response, paras 3, 6-21.

⁵⁵ Mr Bemba's Request for Leave to Reply to Prosecutor's Response, paras 3, 15-18.

⁵⁶ See e.g. *Prosecutor v. Jean-Pierre Bemba Gombo*, "Decision on Mr Bemba's request for leave to reply to the Prosecutor's response to the additional evidence request", 2 December 2016, [ICC-01/05-01/08-3479 \(A\)](#), para. 7.

⁵⁷ Mr Bemba's Request for Leave to Reply to Prosecutor's Response, para. 7.

lies within its discretion and is to be decided on a case-by-case basis.⁵⁸ The Appeals Chamber has recently confirmed that “[a]lthough not specifically mentioned in regulation 60 of the Regulations, an appellant may request, and accordingly, trigger the powers of the Appeals Chamber to order the filing of a reply under said regulation”.⁵⁹ In the circumstances of the present case and after careful consideration of each of the issues on which the appellants request leave to reply, the Appeals Chamber is of the view that further submissions on the issues identified will not assist the Appeals Chamber in its determination of the appeals. Accordingly, the five appellants’ requests for leave to reply are rejected.

19. The Appeals Chamber notes that some of Mr Arido’s arguments relate to the Prosecutor’s evidence in response to Mr Arido’s proposed additional evidence on appeal.⁶⁰ As such, the Appeals Chamber considers that these arguments do not relate to possible submissions in reply to the Prosecutor’s Response to the Documents in Support of the Appeal. Therefore, the issue of Mr Arido’s submissions in that regard is addressed in a separate decision.

20. Finally, the Appeals Chamber turns to the level of classification of the relevant filings by the parties which are currently classified as confidential.

21. The Prosecutor’s Response to the Documents in Support of the Appeal was filed confidential “since it refers to confidential information”.⁶¹ While the Prosecutor has indicated that a public redacted version would be filed “in due course”, no such public version has been submitted until now. The Appeals Chamber therefore directs the Prosecutor to file a public redacted version of her Response to the Documents in Support of the Appeal by Friday, 25 August 2017. As far as the requests for leave to reply are concerned, the Appeals Chamber is of the view that Mr Kilolo’s request does not contain any confidential information and may thus be reclassified as public. The same applies to Mr Babala’s request for leave to reply, which was filed as a

⁵⁸ See e.g. *Prosecutor v. Jean-Pierre Bemba Gombo*, “Decision on Mr Bemba’s request for leave to reply to the Prosecutor’s Response to the Document in Support of the Appeal”, 7 December 2016, [ICC-01/05-01/08-3480 \(A\)](#), (“Bemba Regulation 60 Decision”) para. 8 and references cited therein.


⁵⁹ Reasons for Decision on Variation of Time-Limits, para. 9, quoting Appeals Chamber, *Prosecutor v. Thomas Lubanga Dyilo*, “Order on the filing of a reply under regulation 60 of the Regulations of the Court”, 21 February 2013, [ICC-01/04-01/06-2982 \(A5 A6\)](#), para. 6.

⁶⁰ Mr Arido’s Request, paras 62-67.

⁶¹ Prosecutor’s Response to the Documents in Support of the Appeal, para. 11.

confidential document only “in keeping with the classification of the [Prosecutor’s Response to the Documents in Support of the Appeal]” but does not refer to any confidential information.⁶² Conversely, Mr Bemba submits that his request for leave to reply has been filed as a confidential document “due to the fact that it cites to confidential information”.⁶³ Mr Bemba is directed to file a public redacted version of this filing by Thursday, 31 August 2017. By the same deadline established for Mr Bemba, Mr Mangenda and Mr Arido – who do not specify whether their requests for leave to reply contain confidential information – are directed to file a public redacted version of their requests or indicate that they may be reclassified as public. Finally, the Prosecutor is directed to file a public redacted version of her Response or indicate that it may be reclassified as public by Wednesday, 6 September 2017.

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


Judge Silvia Fernández de Gurmendi
Presiding Judge

Dated this 18th day of August 2017

At The Hague, The Netherlands

⁶² Mr Babala’s Request, para. 9.

⁶³ Mr Bemba’s Request, para. 5.