

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/08**

Date: **13 April 2018**

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

Prosecution's Request for Leave to Present Additional Authority

Source: Office of the Prosecutor

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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Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

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States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section **Other**

Request for Leave to Present Additional Authority

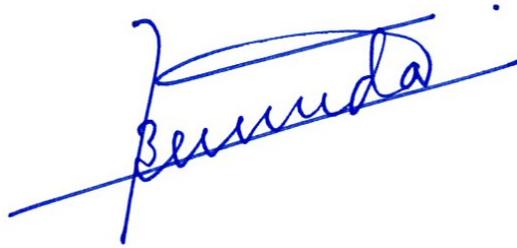
1. At the conclusion of the oral hearing on the article 81 appeals in this case,¹ the Appeals Chamber invited the Parties and participants to make additional written observations, which the Parties and participants filed on 19 January 2018.² With these submissions, the appeals were fully briefed.
2. After filing these additional submissions, a respected academic journal on international criminal law published a paper on superior responsibility under article 28 of the Rome Statute. This paper is directly relevant to one of the issues arising from Mr Bemba's appeal against the Trial Chamber's Judgment under article 74, and may therefore assist the Appeals Chamber in deciding on that aspect of the appeal. This paper was not previously available to the Parties since it was only placed online in "April 2018".
3. The Prosecution requests the Appeals Chamber—acting under its discretionary power under regulation 28 of the Regulations of the Court—to permit the Prosecution to file, without any accompanying arguments, details of this supplementary authority to the "Prosecution's Response to Appellant's Document in Support of Appeal".³ Authorising this request would be consistent with the prior practice of the Appeals Chamber.⁴

¹ T-374, 88:18-25; e-mail of 15 January 2018 on behalf of the Presiding Judge.

² ICC-01/05-01/08-3596 A A2 A3 (Defence); ICC-01/05-01/08-3597 A A2 A3 (Prosecution); ICC-01/05-01/08-3598 A A2 A3 (Legal Representative of Victims).

³ ICC-01/05-01/08-3472-AnxA.

⁴ ICC-01/04-01/07-522 OA3, para. 16; ICC-01/04-01/07-402 OA3, p. 3; ICC-01/04-01/07-164 OA2, p. 2; ICC-01/04-01/07-476 OA2, para. 18.



Fatou Bensouda, Prosecutor

Dated this 13th day of April 2018⁵

At The Hague, The Netherlands

⁵ This submission complies with regulation 36, as amended on 6 December 2016: ICC-01/11-01/11-565 OA6, para. 32.