



Original: **English**

No.: ICC-01/05-01/08 A A2  
A3  
Date: 20/04/2018

**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*

**Appellant's response to "Prosecution's Request for Leave to Present Additional Authority"**

**Source:** Defence for Mr. Jean-Pierre Bemba Gombo

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

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## INTRODUCTION

1. From 9 to 11 January 2018, the Appeals Chamber conducted oral hearings in the present case.<sup>1</sup> At the conclusion of the hearing, the Presiding Judge invited the parties to make additional written submissions by Friday, 19 January 2018.<sup>2</sup>
2. On 19 January 2018, Mr. Bemba, the Prosecution and the LRV filed their respective observations.<sup>3</sup>
3. On 13 April 2018, the Prosecution filed its “Request for Leave to Present Additional Authority” (“Prosecution’s Request”) in which it requests the Appeals Chamber to permit the Prosecution to file a supplementary authority on superior responsibility.
4. For present purposes the Appellant will limit his observations to the substantive relief sought in the Prosecution’s Request. However, should the Chamber accede to the request, the Appellant reserves the right to seek leave to file (i) observations concerning the authenticity, independence and credibility of the underlying material to the request; and (ii) any further relevant academic research or commentary as he sees fit.
5. Primarily, the Appellant submits that the Prosecution’s Request should be dismissed without more. The issues in this appeal have been exhaustively litigated before the Appeals Chamber and there is nothing of “authority” which could possibly be added by anybody.

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<sup>1</sup> T-372-CONF-ENG, T-373-ENG, T-374-ENG.

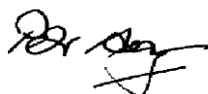
<sup>2</sup> T-374-ENG, 88:18-2.

<sup>3</sup> ICC-01/05-01/08-3596-Conf, ICC-01/05-01/08-3597, ICC-01/05-01/08-3598.

6. There has to be a finality to the litigation process. In particular, the Appellant has a reasonable expectation that judgment in his case will be rendered in the relatively near future. The Prosecution's Request discloses no valid reason for further delaying that event.

7. For the above reasons, the Appellant invites the Chamber to dismiss the Prosecution's Request.

The whole respectfully submitted.



Peter Haynes QC

Lead Counsel for Mr. Jean-Pierre Bemba

Done at The Hague, The Netherlands, 20 April 2018<sup>4</sup>

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<sup>4</sup> This submission complies with Regulation 36 of the Regulations of the Court.