



Original: English

No. ICC-01/05-01/13 A10

Date: 28 August 2019

THE APPEALS CHAMBER

Before:

**Judge Howard Morrison, Presiding
Judge Chile Eboe-Osuji
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa**

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

Order in relation to the conduct of the hearing

Order 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 Mr Jean-Pierre Bemba Gombo
Ms Melinda Taylor

Registrar

Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber VII entitled ‘Decision Re-sentencing Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba and Mr Jean-Jacques Mangenda Kabongo’ of 17 September 2018 (ICC-01/05-01/13-2312),

Noting the ‘Scheduling order for a hearing before the Appeals Chamber’ of 20 August 2019 (ICC-01/05-01/13-2338 (A10)), wherein the Appeals Chamber scheduled a hearing on this appeal for 4 September 2019,

Issues the following

ORDER

1. The above-mentioned hearing will commence at 10:00.
2. The Appeals Chamber invites the parties to address at the hearing the grounds of Mr Jean-Pierre Bemba Gombo’s appeal, without repeating the arguments set out in their written filings and including the following issues:
 - a. In relation to Mr Bemba’s second ground of appeal, does a violation of the person’s rights caused by the proceedings in one case before the Court count for purposes of the reduction of the sentence or a stay of proceedings in another case? In particular, is Trial Chamber VII in the present case competent to remedy the alleged violations of Mr Bemba’s rights resulting from case ICC-01/05-01/08 (the ‘Main Case’)?
 - b. If the answer to the previous questions is in the affirmative, can a trial chamber reduce the person’s sentence as a remedy for an alleged violation of that person’s rights?
 - c. In case of a more serious violation of the person’s rights, can a trial chamber order an unconditional stay of the proceedings at the

re-sentencing stage of the proceedings? If so, does it mean that both the person's conviction and sentence are reversed?

- d. Regarding the Prosecutor's statements on Mr Bemba's acquittal in the Main Case, was the impact of such statements on his rights, if any, a relevant consideration by Trial Chamber VII when imposing the sentence?
3. The Appeals Chamber further invites Mr Bemba to address at the hearing the following issues:
 - a. How does Mr Bemba's request for additional evidence relate, in any manner, to his present appeal?
 - b. Is Mr Bemba seeking a variation of grounds of appeal under regulation 61 of the Regulations of the Court? If so, what are the reasons in support of such request?
 4. The parties will be invited to address the Appeals Chamber on the issues set out above as follows:
 - Mr Bemba's submissions in response to the Appeals Chamber's questions (30 minutes)
 - The Prosecutor's submissions in response to Mr Bemba's submissions (20 minutes)
 - Mr Bemba's submissions on other aspects of his appeal (45 minutes)
 - The Prosecutor's submissions in response (30 minutes)
 - Questions by the Appeals Chamber (30 minutes)

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

A handwritten signature in black ink, appearing to read 'H. Morrison', is written over a solid black horizontal line.

Judge Howard Morrison
Presiding

Dated this 28th day of August 2019

At The Hague, The Netherlands