

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 2 December 2008

PRE-TRIAL CHAMBER III

Before: Judge Hans-Peter Kaul, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
*v. JEAN-PIERRE BEMBA GOMBO***

**Public
URGENT**

**Decision Concerning the Time Limit for the Submission of New Victim
Applications**

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

The Office of the Prosecutor

Fatou Bensouda, Deputy Prosecutor
Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Nkwebe Liriss
Karim A. A. Khan
Aimé Kilolo-Musamba

Legal Representatives of the Victims

Legal Representatives of the Applicants

Nganatouwa Goungaye Wanifiyo
Marie Edith Douzima-Lawson

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Simo Vaatainen

Detention Section

**Victims Participation and Reparations
Section**

Fiona McKay

Other

Judge Hans-Peter Kaul, acting as Single Judge for Pre-Trial Chamber III (the “Chamber”) of the International Criminal Court (the “Court”) with respect to victims’ issues in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*,¹ hereby renders the decision concerning the time limit for the submission of new victim applications.

1. On 12 September 2008 the then Single Judge Fatoumata Dembele Diarra² issued the “Decision on Victim Participation”, deciding:

“a) that the Registry shall submit complete applications for participation in the proceedings to the Chamber no later than 3 October 2008, or no later than 30 days before the confirmation hearing in the event the hearing is postponed;³

2. The Single Judge recalls that today Judge Ekaterina Trendafilova, acting as Single Judge on behalf of the Chamber in the present case,⁴ decided to postpone the confirmation hearing which was due to take place from 8 to 12 December 2008.⁵ Judge Ekaterina Trendafilova noted in this decision that “since the Presidency granted leave of absence to a judge of the Chamber due to grave family circumstances until January 2009”,⁶ the Chamber was no longer in a position to hold the confirmation hearing as previously scheduled.

3. The Single Judge notes article 68(3) of the Rome Statute, rule 89(1) of the Rules of Procedure and Evidence (the “Rules”) and regulation 34(a) of the Regulations of the Court (the “Regulations”).

¹ ICC-01/05-01/08-204.

² ICC-01/05-01/08-86.

³ ICC-01/05-01/08-103-tENG-Corr, p. 5.

⁴ ICC-01/05-01/08-293.

⁵ ICC-01/05-01/08-304.

⁶ *Ibid.*, para. 5.

4. With the postponement of the confirmation hearing, the time limit for further victim applications commences anew. This entails that sufficient time will be needed for the Registry to prepare redacted versions of new victim applications, for the Chamber to grant those redactions and for the parties to be given an opportunity to present their observations thereon pursuant to rule 89(1) of the Rules.

5. However, given the unexpected postponement of the confirmation hearing, only six days before its beginning scheduled for 8 December 2008, the advanced stage of the proceedings, the need to ensure fairness of the proceedings, the start of judicial recess and the fact that it must be ensured that the parties have sufficient time to adequately prepare themselves for the upcoming confirmation hearing, the Single Judge is of the view that the time limit established in letter (a) of the operative part of the "Decision on Victim Participation" of 12 September 2008 must be re-considered.

6. Under these circumstances, the Single Judge holds that the established time limit for the submission of new victim applications is no longer in effect and that no further victim application can be considered prior to the conclusion of the confirmation hearing.

FOR THESE REASONS, THE SINGLE JUDGE

- a) **decides** that the time-limit for the submission of new victim applications as established in the "Decision on Victim Participation" of 12 September 2008 is no longer in effect;

- b) **decides** that no further victim application will be considered prior to the conclusion of the confirmation hearing relating to the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.

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



Judge Hans-Peter Kaul
Single Judge

Dated this Tuesday, 2 December 2008

At The Hague, the Netherlands