

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 11 November 2009

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge Joyce Aluoch

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

Public Document

Order granting the Defence's Application for Extension of Time

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo-Musamba

Legal Representatives of the Victims

Ms Marie-Edith Douzima-Lawson
Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Trial Chamber ("Chamber") is seized of the defence's "Requête aux fins d'extension de délai" ("Request"), and "Corrigendum Requête aux fins d'extension de délai" ("Corrigendum Request"), both filed on 4 November 2009, requesting a three week extension of the time limit in which to file its submissions on whether the procedures developed in the case of *Prosecutor v. Thomas Lubanga Dyilo* ("Lubanga case") should be varied during the course of the trial in *Prosecutor v Jean-Pierre Bemba Gombo* ("Bemba case"). At the status conference on 7 October 2009, the Chamber ordered written submissions on this issue by 16.00 on 4 November 2009.¹

2. The defence submits that many legal issues have been determined in the Lubanga case, and on a preliminary analysis it has identified numerous questions which could affect the present proceedings, in particular disclosure of evidence, victim participation, protective measures, admissibility of evidence and proceedings relevant to the merits of the case.² The defence submits that unlike the Office of the Prosecutor ("prosecution") which has the advantage of acting as a party in the Lubanga case – and in consequence has prepared submissions on each issue of law that has arisen – the defence team has been wholly uninvolved with that case.³ Moreover the defence suggests that it has lacked adequate funding, with the result that it has been impossible for it to work effectively and efficiently; for instance, it currently has only half the team that was acting for the accused during the pre-trial stage. Given these difficult circumstances, the defence has not been able adequately to prepare submissions on the aforementioned issues or to consult sufficiently with the accused. Therefore, pursuant to Regulation 35(2) of the Regulations of the Court, the defence requests an extension of three weeks in order to take

¹ Transcript of hearing on 7 October 2009, ICC-01/05-01/08-T-14-ENG-ET, page 23.

² Corrigendum Requête aux fins d'extension de délai, ICC-01/05-01/08-597-Corr, 4 November 2009, paragraph 3.

³ ICC-01/05-01/08-597-Corr, paragraph 4.

instructions from the accused with a view to submitting a list of issues on which it will seek to advance submissions.⁴

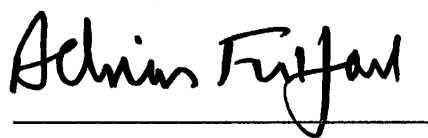
3. The Trial Chamber notes that the only difference between the Request and the Corrigendum Request are grammatical errors that occur in line 2 of paragraph 7 and last line of paragraph 8.
4. The prosecution has indicated by email on 5 November 2009 that it does not oppose the Request.⁵
5. In light of the historical funding problems that have affected the defence during part of the pre-trial and the entirety of the post-confirmation phases of this case, which have led, as set out above, to the defence losing half the members of its team (with the inevitable adverse consequences on its ability to prepare for trial), the Chamber is persuaded of the merits of this application.
6. Following the Chamber's Decision of 4 November 2009,⁶ in which it ordered the Registrar to meet the monthly costs of the defence team (in the amount she has previously identified), retroactively and for the future, the Chamber anticipates the defence should be in a position to comply with any deadlines imposed hereafter.
7. For these reasons, pursuant to Regulation 35(2) of the Regulations of the Court, the Trial Chamber hereby extends the relevant time-limit to 26 November 2009 by 16.00.

⁴ ICC-01/05-01/08-597-Corr, paragraphs 5-7.

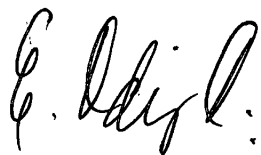
⁵ Email communication to the Chamber through the legal adviser to the Trial Division.

⁶ Decision on the defence application to lift Order (iii) of the "Decision on legal assistance for the accused" dated 20 October 2009, ICC-01/05-01/08-596-US, 4 November 2009. A public redacted version of this Decision will be issued in due course.

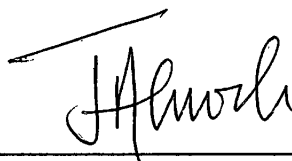
Done in both English and French, the English version being authoritative.



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge Joyce Aluoch

Dated this 11 November 2009

At The Hague, The Netherlands