

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/05-01/08 OA 3

Date: 15 July 2010

THE APPEALS CHAMBER

Before:
Judge Anita Ušacka, Presiding Judge
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Daniel David Ntanda Nsereko

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO

Public document

Decision on the request for an extension of the time limit

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
Mr Fabricio Guariglia

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo Musamba

Legal Representatives of Victims

Ms Marie-Edith Douzima Lawson

The Office of Public Counsel for Victims

Ms Paolina Massidda

States Representatives

The Government of the Central African
Republic

REGISTRY

Registrar

Ms Silvana Arbia



The Appeals Chamber of the International Criminal Court,

In the appeal of Mr. Jean-Pierre Bemba Gombo against the decision of Trial Chamber III entitled “Decision on the Admissibility and Abuse of Process Challenges” of 24 June 2010 (ICC-01/05-01/08-802),

Having before it the “Requête de la Défense aux fins d’obtenir l’extension de délai” of 13 July 2010 (ICC-01/05-01/08-820),

Renders unanimously the following

DECISION

1) The time limit for the filing of the document in support of the appeal is extended to 16h00 on 26 July 2010.

2) The Registrar is ordered to provide Mr Jean-Pierre Bemba Gombo with French-English interpretation (sight translation) free of cost throughout the proceedings on the present appeal, as necessary to assist with documents of the case that are only available in English.

REASONS

1. On 24 June 2010, Trial Chamber III issued its “Decision on the Admissibility and Abuse of Process Challenges”¹ (hereinafter: “Impugned Decision”).

2. On 28 June 2010, counsel for Mr Bemba (hereinafter: “Defence”) filed the “Acte d’Appel de la Défense contre la décision de la Chambre de Première Instance III du 24 juin 2010 intitulée ‘*Decision on the Admissibility and Abuse of Process Challenge*’”.²

3. On 13 July 2010, the Defence filed the “Requête de la Défense aux fins d’obtenir l’extension de délai”³ (hereinafter: “Request”). The Defence states that Mr

¹ ICC-01/05-01/08-802.

² ICC-01/05-01/08-804. Mr. Bemba filed two corrigenda on 28 and 29 June 2010 respectively (ICC-01/05-01/08-804-Corr and ICC-01/05-01/08-804-Corr2).

³ ICC-01/05-01/08-820.



Bemba has expressly requested a French translation of the Impugned Decision in order to study its implications and to direct counsel accordingly. The Defence submits that the length of the Impugned Decision, its fundamental importance, its complexity and Mr Bemba's limited understanding of 'legal English' necessitate an extension of the time limit for the filing of the document in support of the appeal.⁴ The Defence therefore requests that the 21-day period for the filing of the document in support of the appeal commence with the notification of the French translation of the Impugned Decision.⁵

4. On 14 July 2010, the Prosecutor filed the "Prosecution's response to Defence request for extension of time to file its document in support of the Defence appeal against the Decision on the Admissibility and Abuse of Process Challenges"⁶ (hereinafter: "Response"). The Prosecutor does not oppose granting a finite extension of the time limit, but considers that the Defence has not demonstrated a need for a full 21 days after the notification of the translation into French of the Impugned Decision.⁷ The Prosecutor claims that Mr Bemba has the assistance of an interpreter specifically to help with documents filed in English and supports this claim by citing a transcript of proceedings before Trial Chamber III.⁸

5. The Appeals Chamber notes that under regulation 64 (2) of the Regulations of the Court, an appellant should file a document in support of the appeal against a decision on admissibility within 21 days of notification of the impugned decision. Regulation 35 (2) of the Regulations of the Court provides, in relevant part, that "[t]he Chamber may extend or reduce a time limit if good cause is shown".

6. In accordance with regulation 33 of the Regulations of the Court, the time limit for the filing of the document in support of the appeal of Mr Bemba would normally be 16 July 2010. The task of the Appeals Chamber is to determine whether good cause is shown for an extension of the time limit. If it determines that good cause is

⁴ Request, para. 6.

⁵ Request, para. 8.

⁶ ICC-01/05-01/08-823.

⁷ Response, paras 3, 5.

⁸ Response, para. 4 (citing ICC-01/05-01/08-T-14-ENG, 7 October 2009, p. 34, lines 10-22).



shown, the Appeals Chamber must then determine whether the length of extension requested is justified.⁹

7. The Appeals Chamber finds that, in the present circumstance of this case, and despite the fact that the Request was made only a few days before the expiry of the time limit, the factors identified by the Defence, as summarised in paragraph 3, above, cumulatively provide good cause for a limited extension of the time limit.

8. However, the Appeals Chamber is not persuaded that the time limit should be extended by 21 days after notification of the translation into French of the Impugned Decision. The Appeals Chamber notes that the Defence requests an extension of this duration to enable Mr Bemba to understand the Impugned Decision sufficiently to instruct his counsel appropriately. The Appeals Chamber considers that the assistance of an interpreter to provide sight translation in accordance with regulation 61 (1) (e) of the Regulations of the Registry could more efficiently achieve the same result.

9. The Appeals Chamber notes that Pre-Trial Chamber III previously ordered the Registrar to provide an interpreter to Mr Bemba and his Defence to assist with documents during the proceedings related to the confirmation of charges.¹⁰ The Appeals Chamber notes further that the Defence did not object to continuing to use the services of the interpreter during proceedings before the Trial Chamber in order to respond within established time limits to documents filed by the Prosecutor.¹¹

10. The Appeals Chamber recalls that “any departure from the time limits set by the Rules or Regulations of the Court must not derail the proceedings from their ordained course, requiring that they be conducted and concluded within a reasonable time”.¹² The Appeals Chamber notes the Prosecutor’s expectation that “the Defence should

⁹ See *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Appeals Chamber, “Reasons for the ‘Decision on the “Application for Extension of Time Limits Pursuant to Regulation 35 of the Regulations of the Court to Allow the Defence to Submit its Observations on the Prosecutor’s Appeal regarding the Decision on Evidentiary Scope of the Confirmation Hearing and Preventative Relocation””, 27 June 2008, ICC-01/04-01/07-653 (OA 7), para. 6.

¹⁰ “Decision on the Defence’s Request Related to Language Issues in the Proceedings”, 4 December 2008, ICC-01/05-01/08, p. 9.

¹¹ ICC-01/05-01/08-T-14-ENG, 7 October 2009, p. 34, lines 6-22.

¹² *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Appeals Chamber, “Reasons for the ‘Decision on the “Application for Extension of Time Limits Pursuant to Regulation 35 of the Regulations of the Court to Allow the Defence to Submit its Observations on the Prosecutor’s Appeal regarding the Decision on Evidentiary Scope of the Confirmation Hearing and Preventative Relocation””, 27 June 2008, ICC-01/04-01/07-653 (OA 7), para. 6.

already have made substantial progress on the appeal, notwithstanding that the fact [sic] language of the decision may present challenges for the Appellant himself'.¹³

11. In light of the above, the Appeals Chamber determines that the time limit for the filing of Mr Bemba's document in support of the appeal is extended to 16h00 on 26 July 2010, and the Registrar is ordered to provide sight translation of documents from English into French for the purpose and duration of the present appeal.

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



Judge Anita Ušacka
Presiding Judge

Dated this 15th day of July 2010

At The Hague, The Netherlands

¹³ Response, para. 4.