

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/05-01/08

Date: 21 May 2014

TRIAL CHAMBER III

**Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki**

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

Public

Decision on "Requête de la Représentante légale des victimes relative à l'augmentation du nombre de pages autorisé et à la prorogation du délai de dépôt des conclusions écrites"

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes
Ms Kate Gibson
Ms Melinda Taylor

Legal Representatives of the Victims

Ms Marie-Édith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Other
Reparations Section**

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Bemba case”), issues the following Decision on “Requête de la Représentante légale des victimes relative à l’augmentation du nombre de pages autorisé et à la prorogation du délai de dépôt des conclusions écrites” (“Decision”).

I. Background and Submissions

1. On 7 February 2014, the Chamber issued its “Order on the legal representation of victims previously represented by Me Assingambi Zarambaud” (“Order 2964”),¹ in which it authorised the Registry to assign the victims previously represented by the late Mr Assingambi Zarambaud (“Me Zarambaud”) to Ms Marie-Edith Douzima-Lawson (“Me Douzima”).²
2. On 7 April 2014, the Chamber issued its “Decision on closure of evidence and other procedural matters”,³ in which it, *inter alia*, (i) declared the submission of evidence closed; (ii) ordered the Office of the Prosecutor (“prosecution”) and Me Douzima to submit their final closing briefs by 2 June 2014,⁴ in line with the schedule established in its “Decision on the timeline for the completion of the defence’s presentation of evidence and issues related to the closing of the case” (“Decision 2731”); and (iii) reminded the parties and participants to comply with the directions on format and content of the

¹ Order on the legal representation of victims previously represented by Me Assingambi Zarambaud, 7 February 2014, ICC-01/05-01/08-2964.

² ICC-01/05-01/08-2964, paragraph 9(a). Initially, Me Zarambaud was designated as common legal representative of victims belonging to Group A (victims whose applications relate to alleged crimes committed in or around Bangui and PK12) and Group E (dual status victims); and Me Douzima was designated as common legal representative of victims belonging to Group B (victims whose applications relate to alleged crimes committed in or around Damara and Sibut); Group C (victims whose applications relate to alleged crimes committed in or around Boali, Bossembélé, Bossangoa and Bozoum); and Group D (victims whose applications relate to alleged crimes committed in or around Mongoumba). See Corrigendum to Notification of designation of common legal representatives, 18 November 2010, ICC-01/05-01/08-1012-Corr, pages 6 and 7.

³ Decision on closure of evidence and other procedural matters, 7 April 2014, ICC-01/05-01/08-3035.

⁴ Decision on the timeline for the completion of the defence’s presentation of evidence and issues related to the closing of the case, 16 July 2013, ICC-01/05-01/08-2731. In paragraph 38(e) of this decision, the Chamber “[ordered] the prosecution and the legal representatives to submit their respective closing briefs within eight weeks of the date on which the presentation of evidence is formally closed”.

closing briefs as set out in Decision 2731.⁵

3. On 15 May 2014, Me Douzima filed the “Requête de la Représentante légale des victimes relative à l’augmentation du nombre de pages autorisé et à la prorogation du délai de dépôt des conclusions écrites” (“Me Douzima’s Request”),⁶ in which she requests that the Chamber grant an extension of page limit for her closing brief (“Request for extension of page limit”); as well as an extension of time for the submission thereof (“Request for extension of time”).⁷
4. On 16 May 2014, the defence for Mr Jean-Pierre Bemba Gombo (“defence”) filed its “Defence Response to the Motion of the Legal Representative of Victims for an Extension of Time to File its Final Trial Brief and an Increase of the Page Limit”.⁸ The defence submits that “any extension to the period for the LRV to submit its final brief, ought necessarily to suspend the commencement of the time period for any Response by the Defence” and that “if any extension of the page limit granted to the LRV is justified at all, such extension should be minimal.”⁹
5. The prosecution has not filed any response to Me Douzima’s Request at the time of the issuance of the present Decision.

II. Analysis and conclusions

6. For the purpose of the present Decision and in accordance with Article 21(1) of the Rome Statute (“Statute”), the Chamber has considered Articles 64(2)

⁵ ICC-01/05-01/08-3035, paragraph 7 (i), (ii) and (iv).

⁶ Requête de la Représentante légale des victimes relative à l’augmentation du nombre de pages autorisé et à la prorogation du délai de dépôt des conclusions écrites, 15 May 2014, ICC-01/05-01/08-3066.

⁷ ICC-01/05-01/08-3066, page 6.

⁸ Defence Response to the Motion of the Legal Representative of Victims for an Extension of Time to File its Trial Brief and an Increase of the Page Limit, 16 May 2014, ICC-01/05-01/08-3068.

⁹ ICC-01/05-01/08-3068, paragraph 4.

and 68(3) of the Statute and Regulations 24(1), 35, 37(2) and 81(4) of the Regulations of the Court (“Regulations”).

7. At the outset, in view of the urgency of the matter and considering that the parties’ views are not necessary for the Chamber to decide on Me Douzima’s Request,¹⁰ the Chamber considers it appropriate to decide on the Request on the basis of the submissions before it.

Request for extension of page limit

8. In support of her Request for extension of page limit, Me Douzima submits that in view of the “exceptional circumstances that arose during the course of her initial mandate”,¹¹ the 150 pages granted by the Chamber for the legal representative’s closing brief are insufficient to adequately represent the views and concerns of the victims previously represented by Me Zarambaud.¹² In this respect, she stresses that the victims previously represented by Me Zarambaud come from Bangui, PK12 and surrounding areas, which is a geographical area of particular relevance in the present case.¹³
9. Regulation 37(1) of the Regulations empowers the Chamber to order page limits for documents to be filed with the Registry.¹⁴ Under Regulation 37(2) of the Regulations, “[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances.”

¹⁰ While Regulation 24(1) provides that “[T]he Prosecutor and the defence may file a response to any document filed by any participant in the case in accordance with the Statute, Rules, these Regulations and any order of the Chamber”, Regulation 35(2) provides that “[t]he Chamber may extend or reduce a time limit if good cause is shown and, *where appropriate*, after having given the participants an opportunity to be heard” (emphasis added), and Regulation 37(2), which allows the Chamber to, at the request of a participant, extend a page limit in exceptional circumstances, contains no provision on the consultation of the participants.

¹¹ ICC-01/05-01/08-3066, paragraph 8. “[C]ompte tenu des circonstances exceptionnelles qui sont apparues au cours de son mandat initial” in the French original.

¹² ICC-01/05-01/08-3066, paragraph 8.

¹³ ICC-01/05-01/08-3066, paragraph 10.

¹⁴ Regulation 37(1) provides: “A document filed with the Registry shall not exceed 20 pages, unless otherwise provided in the Statute, Rules, these Regulations or *ordered by the Chamber*” (emphasis added).

10. In the present case, the Chamber recalls that in Decision 2731, it ordered that “the briefs of the legal representatives of victims may not exceed 150 pages each”.¹⁵ This page limit was based on the premise that the Chamber was to receive one closing brief from Me Douzima as well as one closing brief from Me Zarambaud, amounting to a total of up to 300 pages. Considering that pursuant to Order 2964, Me Douzima will also be required to represent the views and concerns of the victims previously represented by Me Zarambaud, comprising victims whose applications relate to alleged crimes committed in or around Bangui and PK12, as well as dual status victims,¹⁶ the Chamber is satisfied that there are exceptional circumstances for the purposes of Regulation 37(2) of the Regulations to justify an extension of the page limit for the legal representative’s closing brief.
11. Concerning the number of additional pages to be granted, the Chamber recalls that in Decision 2731, it “[instructed] the parties and participants to set out in their respective closing briefs their legal and factual submissions concerning the specific elements of the war crimes and crimes against humanity charged and the individual criminal responsibility of the accused.”¹⁷ The Chamber is of the view that legal submissions apply to all victims authorised to participate in the *Bemba* case and do not require an in-depth analysis tailored to victims in a specific geographical group. However, factual submissions will need additional considerations related to the victims previously represented by Me Zarambaud. In these circumstances, the Chamber finds that an extension of 50 pages is sufficient.

¹⁵ ICC-01/05-01/08-2731, paragraph 38(j) (emphasis added).

¹⁶ Corrigendum to Notification of designation of common legal representatives, 18 November 2010, ICC-01/0501/08-1012-Corr, pages 6 and 7.

¹⁷ ICC-01/05-01/08-2731, paragraph 38(m).

Request for extension of time

12. Me Douzima submits that the necessity to ensure fair, qualitative and effective representation of all victims constitutes good cause warranting an extension of time for the submission of her closing brief.¹⁸ In this regard, she avers that an analysis of the views and concerns of the victims previously represented by Me Zarambaud is “crucial” at this stage of the proceedings, and that she cannot reasonably neglect the views and concerns of the victims from Bangui, PK12, and surrounding areas, especially since these locations are of particular relevance in the context of the present proceedings.¹⁹

13. As stressed in paragraph 11 above, while legal submissions apply to all victims authorised to participate in the *Bemba* case and do not require an in-depth analysis tailored to victims in a specific geographical group, factual submissions will need additional considerations related to the victims previously represented by Me Zarambaud. Concerning the additional workload required for that purpose, the Chamber recalls that in Order 2964, “in order to enable Me Douzima to adequately fulfil her mandate” and to “ensur[e] that the level of support to the legal representation of victims remains unchanged”,²⁰ it instructed the Registry to continue to provide Me Douzima with the assistance of a support team, consisting of two assistants in the Central African Republic as well as two legal assistants/case managers.²¹ The Chamber further recalls that Me Douzima may seek assistance from the Office of Public Counsel for victims (“OPCV”) in accordance with the OPCV’s mandate under Regulation 81(4) of the Regulations.²² Finally, the Chamber notes that Me Douzima was present during the testimony of witnesses

¹⁸ ICC-01/05-01/08-3066, paragraph 14.

¹⁹ ICC-01/05-01/08-3066, paragraphs 12 and 13.

²⁰ ICC-01/05-01/08-2964, paragraph 7.

²¹ ICC-01/05-01/08-2964, paragraphs 7 and 9(b).

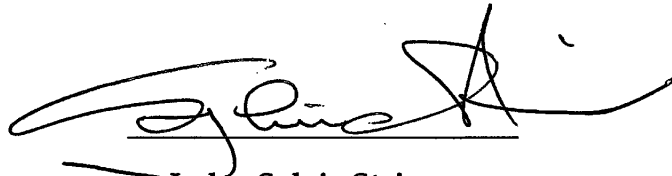
²² Decision on common legal representation of victims for the purpose of trial, 10 November 2010, ICC 01/0501/08-1005, paragraph 30; ICC-01/05-01/08-2964, paragraph 8.

testifying about the events occurred in or around Bangui and PK12 as well as the testimony of the dual status victims. In that context, she questioned the relevant witnesses on behalf of the victims represented by her, allowing her to acquire thorough knowledge of the situation prevailing in the relevant geographical areas at the time of the events. For these reasons, the Chamber considers that no good cause was shown for an extension of time for the submission of the legal representative's closing brief to be granted.

14. In view of the above, the Chamber hereby

- (i) GRANTS Me Douzima's Request for extension of page limit and DECIDES that the closing brief may not exceed 200 pages; and
- (ii) DENIES Me Douzima's Request for extension of time.

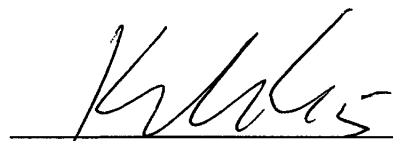
Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 21 May 2014

At The Hague, the Netherlands