

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 September 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 afin de répondre aux ‘Closing Brief of Mr. Jean-Pierre Bemba Gombo’ (ICC-01/05-01/08-3121-Conf)”

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 afin de répondre aux ‘Closing Brief of Mr. Jean-Pierre Bemba Gombo’ (ICC-01/05-01/08-3121-Conf)” (“Decision”).

I. Background and Submissions

1. On 16 July 2013, the Chamber issued 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”),¹ in which it, *inter alia*, ordered that the legal representatives’ responses to the defence’s closing brief “not exceed 30 pages each”.²
2. On 7 February 2014, the Chamber issued its “Order on the legal representation of victims previously represented by Me Assingambi Zarambaud” (“Order 2964”),³ 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”).⁴
3. On 25 August 2014, the defence for Mr Jean-Pierre Bemba (“defence”) filed its “Closing Brief of Mr. Jean-Pierre Bemba Gombo” (“Defence Closing Brief”).⁵

¹ 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.

² ICC-01/05-01/08-2731, paragraph 38(q).

³ Order on the legal representation of victims previously represented by Me Assingambi Zarambaud, 7 February 2014, ICC-01/05-01/08-2964.

⁴ 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.

⁵ Closing Brief of Mr. Jean-Pierre Bemba Gombo, 25 August 2014, ICC-01/05-01/08-3121-Conf.

4. On 3 September 2014, Me Douzima filed her “Requête de la Représentante légale des victimes relative à l’augmentation du nombre de pages autorisé afin de répondre aux ‘Closing Brief of Mr. Jean-Pierre Bemba Gombo’ (ICC-01/05-01/08-3121-Conf)”,⁶ in which she requests an extension of the page limit for her response to the Defence Closing Brief by 15 pages (“Request”).⁷ In support of her Request, Me Douzima submits that in view of the “exceptional circumstances that arose during the course of her initial mandate”,⁸ the 30 pages granted by the Chamber to respond to the Defence Closing Brief are insufficient to also counter the arguments concerning the victims previously represented by Me Zarambaud.⁹ In this respect, she stresses that the victims previously represented by Me Zarambaud come from Bangui, PK12 and surrounding areas, a geographical area of particular relevance in the *Bemba* case.¹⁰ She further stresses that she must also respond to arguments concerning victims who have the dual status of victims and witnesses, who were previously represented by Me Zarambaud.¹¹
5. On 5 September 2014, the Office of the Prosecutor (“prosecution”) filed its Prosecution’s Response to “*Requête de la Représentant légale des victimes relative à l’augmentation du nombre de pages autorisé afin de répondre aux ‘Closing Brief of Mr. Jean-Pierre Bemba Gombo’ (ICC-01/05-01/08-3121-Conf)*”,¹² in which it supports Me Douzima’s Request.¹³ The defence did not respond to the Request.¹⁴

⁶ Requête de la Représentante légale des victimes relative à l’augmentation du nombre de pages autorisé afin de répondre aux ‘Closing Brief of Mr. Jean-Pierre Bemba Gombo’ (ICC-01/05-01/08-3121-Conf), 3 September 2014, ICC-01/05-01/08-3132.

⁷ ICC-01/05-01/08-3132, page 5.

⁸ ICC-01/05-01/08-3132, paragraph 9. “[C]ompte tenu des circonstances exceptionnelles qui sont apparues au cours de son mandat initial” in the French original.

⁹ ICC-01/05-01/08-3132, paragraph 9.

¹⁰ ICC-01/05-01/08-3132, paragraph 10.

¹¹ ICC-01/05-01/08-3132, paragraph 10.

¹² Prosecution’s Response to “*Requête de la Représentant légale des victimes relative à l’augmentation du nombre de pages autorisé afin de répondre aux ‘Closing Brief of Mr. Jean-Pierre Bemba Gombo’ (ICC-01/05-01/08-3121-Conf)*”, 5 September 2014, ICC-01/05-01/08-3135. The response was filed in line with the Chamber’s order shortening the time limit: email from the Chamber to the parties on 4 September 2014 at 12.39.

¹³ ICC-01/05-01/08-3135, paragraph 1.

¹⁴ See email from the defence to the Chamber on 5 September 2014 at 15.33.

II. Analysis and conclusions

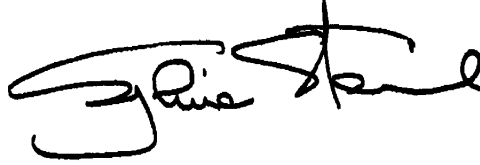
6. For the purpose of the present Decision and in accordance with Article 21(1) of the Rome Statute (“Statute”), the Chamber has considered Articles 64(2) and 68(3) of the Statute and Regulation 37 of the Regulations of the Court (“Regulations”).
7. Regulation 37(1) of the Regulations empowers the Chamber to order page limits for documents to be filed with the Registry.¹⁵ Under Regulation 37(2) of the Regulations, “[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”.
8. In the present case, the Chamber recalls that in Decision 2731 it ordered that the legal representatives’ responses to the defence’s closing brief “not exceed 30 pages *each*”.¹⁶ This page limit was based on the premise that the Chamber was to receive one response from Me Douzima as well as one response from Me Zarambaud, amounting to a total of up to 60 pages. Considering that pursuant to Order 2964 Me Douzima will now 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,¹⁷ 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 Me Douzima’s response to the Defence Closing Brief.
9. In view of the above, the Chamber hereby GRANTS Me Douzima’s Request and DECIDES that the page limit for her response to the Defence Closing Brief is extended to 45 pages.

¹⁵ 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).

¹⁶ ICC-01/05-01/08-2731, paragraph 38(q) (emphasis added).

¹⁷ Corrigendum to Notification of designation of common legal representatives, 18 November 2010, ICC-01/05-01/08-1012-Corr, pages 6 and 7.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 8 September 2014

At The Hague, the Netherlands