



Original: English

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

Date: 15 April 2016

THE APPEALS CHAMBER

Before: Judge Christine Van den Wyngaert, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Chile Eboe-Osuji
Judge Piotr Hofmański

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

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

Public document

**Decision on Mr Bemba's request for an extension of time for the filing of his
document in support of the appeal**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Helen Brady

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Legal Representative of Victims

Ms Marie-Edith Douzima-Lawson

REGISTRY

Registrar

Mr Herman von Hebel

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 “Judgment pursuant to Article 74 of the Statute” of 21 March 2016 (ICC-01/05-01/08-3343),

Having before it the “Defence Request for Variation of the Time Limits for the Filing of the Document in Support of Appeal” of 5 April 2016 (ICC-01/05-01/08-3353),

Renders pursuant to regulation 35 (2) of the Regulations of the Court the following

DECISION

- (1) The time limit for the filing of Mr Bemba’s document in support of the appeal is extended to 16h00 on Monday, 19 September 2016.
- (2) Mr Bemba is invited to specify briefly the legal findings of the Trial Chamber which he intends to challenge on appeal by 16h00 on Monday, 20 June 2016.

REASONS

I. PROCEDURAL HISTORY

1. On 21 March 2016, Trial Chamber III (“Trial Chamber”) delivered the “Judgment pursuant to Article 74 of the Statute” (“Conviction Decision”) in which Mr Jean-Pierre Bemba Gombo (“Mr Bemba”) was convicted of all charges against him.¹
2. On 4 April 2016, Mr Bemba filed an appeal against the Conviction Decision.²
3. On 5 April 2016, Mr Bemba requested the Appeals Chamber to extend the time limit for the submission of his document in support of the appeal to 180 days after the notification of the Conviction Decision³ (“Request for Extension of Time”).

¹ [ICC-01/05-01/08-3343](#).

² “Defence Notice of Appeal against the Judgment pursuant to Article 74 of the Statute, ICC-01/05-01/08-3343”, [ICC-01/05-01/08-3348](#) (A).

³ “Defence Request for Variation of the Time Limits for the Filing of the Document in Support of Appeal”, [ICC-01/05-01/08-3353](#) (A).

4. On 6 April 2016, the Prosecutor responded that she does not object to the Request for Extension of Time⁴ (“Prosecutor’s Response”).

II. MERITS

5. In relation to appeals against convictions, regulation 58 (1) of the Regulations of the Court (“Regulations”) provides that “the appellant shall file a document in support of the appeal within 90 days of notification of the relevant decision”. Pursuant to regulation 35 (2) of the Regulations, a “Chamber may extend or reduce a time limit if good cause is shown [...]”.

6. In the circumstances of the present case, the Appeals Chamber is satisfied that good cause exists for an extension of the 90 day time limit prescribed in regulation 58 of the Regulations. In this regard, the Appeals Chamber is persuaded by Mr Bemba’s submissions regarding: (i) his current involvement in the ongoing proceedings against him in relation to offences against the administration of justice (“article 70 proceedings”), which he is required to attend and the defence of which occupies his time;⁵ (ii) the anticipated factual and legal complexity of the appeal, the novelty of the legal issues to be addressed and fair trial arguments that Mr Bemba may wish to make;⁶ (iii) the fact that the defence team is currently absorbed in the sentencing proceedings that are ongoing before the Trial Chamber, with final defence submissions due by 25 April 2016;⁷ and (iv) the fact that the Conviction Decision is currently only available in English and that parts are being translated on a regular and expedited basis into French,⁸ the language Mr Bemba “fully understands and speaks”.⁹ The Appeals Chamber has also taken into account the fact that the Prosecutor and Mr Bemba have agreed that the requested extension of time is reasonable.

⁴ “Prosecution Response to the Defence Request for Variation of the Time Limits for the Filing of the Document in Support of Appeal”, dated 6 April 2016 and registered on 7 April 2016, [ICC-01/05-01/08-3355 \(A\)](#).

⁵ [Request for Extension of Time](#), paras 8-9.

⁶ [Request for Extension of Time](#), paras 10-14.

⁷ [Request for Extension of Time](#), paras 20-23.

⁸ [Request for Extension of Time](#), para. 17, referring to Trial Chamber, “Decision on the timetable and on the sentencing procedure”, 26 May 2014, [ICC-01/05-01/08-3071](#), para. 16.

⁹ [Request for Extension of Time](#), paras 15-19.

7. Mr Bemba also submits that the outcome of the article 70 proceedings will impact on the manner in which the appeal will be framed and that “requiring [him] to file his Appeal Brief before a judgment in the Article 70 Case represents [...] a false economy”.¹⁰ The Prosecutor contends that the two proceedings are independent of each other and that this factor does not support the Request for Extension of Time.¹¹ The Appeals Chamber notes that the Trial Chamber rendered the Conviction Decision without waiting for the outcome of the article 70 proceedings and that the date of conclusion of the article 70 proceedings has not been specified. In these circumstances, and in the absence of more specific information from Mr Bemba as to how the article 70 proceedings would impact on his arguments in the present appeal, it would be speculative and premature to determine that these arguments form a valid basis for granting an extension of the time limit for the filing of the document in support of the appeal.

8. Nevertheless, the Appeals Chamber is satisfied that the other arguments advanced by Mr Bemba show good cause for the requested time extension for the filing of the document in support of the appeal. Accordingly, the Appeals Chamber determines that the time limit for the filing of the document in support of the appeal by Mr Bemba is extended to 16h00 on Monday, 19 September 2016.

9. The Appeals Chamber considers that it is in the interest of the efficient conduct of the proceedings that Mr Bemba inform the Appeals Chamber briefly of, at the very least, the legal findings in the Conviction Decision that he intends to challenge within the 90 day time limit prescribed in regulation 58 of the Regulations, without prejudice to the actual formulation of the grounds of appeal that he wishes to advance in the document in support of the appeal subsequently filed. The Appeals Chamber does not consider that any of the reasons advanced in the Request for Extension of Time demonstrate that Mr Bemba would not be in a position to provide such information to the Appeals Chamber within the relevant time limit.

¹⁰ [Request for Extension of Time](#), para. 25. *See also* [Request for Extension of Time](#), para. 24.

¹¹ [Prosecutor’s Response](#), para. 3.

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



Judge Christine Van den Wyngaert
Presiding Judge

Dated this 15th day of April 2016

At The Hague, The Netherlands