



Original: **English**

No.: **ICC-01/05-01/08**
Date: **25 August 2016**

TRIAL CHAMBER III

Before: Judge Joyce Aluoch, Presiding
Judge Geoffrey Henderson
Judge Chang-ho Chung

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

Public Document

**Order on the Requests for extension of time to file submissions relevant to
reparations**

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-Edith 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**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Trust Fund for Victims

Mr Pieter de Baan

Trial Chamber III (“Chamber”) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“case”), issues the following “Order on the Requests for extension of time to file submissions relevant to reparations”:

I. Procedural background

1. On 22 July 2016, the Chamber issued an order requesting submissions relevant to reparations (“22 July 2016 Order”).¹ The Chamber requested the Defence for Mr Bemba (“Defence”), the Legal Representative of Victims (“LRV”), the Office of the Prosecutor (“Prosecution”), the Registry and the Trust Fund for Victims (“TFV”) to file observations by 15 September 2016 on a number of issues relevant to reparations.²
2. On 5 August 2016, upon request,³ the Chamber granted the Office of Public Counsel for Victims (“OPCV”) leave to present submissions relevant to reparations.⁴
3. On 16 August 2016, the Defence filed a request for an extension of time to file the submissions (“Defence Request”). They submit that their resources are devoted to the preparation of the appeal briefs against the Judgment pursuant to Article 74 of the Rome Statute (“Statute”), and Sentence pursuant to Article 76 of the Statute (“Judgment” and “Sentence”, respectively), which are due on 19 and 20 September 2016.⁵ They advance that the workload involved in informing and obtaining instructions from Mr Bemba and preparing submissions on reparations is significant and that maintaining the 15 September 2016 deadline will jeopardise the preparation of Mr. Bemba’s

¹ Order requesting submissions relevant to reparations, 22 July 2016, [ICC-01/05-01/08-3410](#). The Chamber informed the parties and participants that the observations are not subject to the page limit provided for in regulation 37 of the Regulations of the Court; *See* Email from the Chamber to the parties and participants on 3 August 2016 at 14:34.

² [ICC-01/05-01/08-3410](#), paras 7 and 9.

³ *See* Email from the OPCV to the Chamber on 4 August 2016 at 9:12.

⁴ *See* Email from the Chamber to the OPCV on 5 August 2016 at 12:42.

⁵ Defence Request for an Extension of Time to File Submissions Relevant to Reparations, 16 August 2016, [ICC-01/05-01/08-3423](#), paras 3 and 4.

appeal.⁶ They further submit that a review of the original victim applications is necessary in order to identify, even on a general level, the relevant issues.⁷ Accordingly, they contend that, given the extraordinary amount of victims participating in the case there is good cause for the extension.⁸ In addition, they submit that a reparation order cannot be executed pending an appeal on the conviction and, thus, the requested delay would allow Mr. Bemba to submit meaningful observations without jeopardising the overall timetable for the reparations phase.⁹ The Defence requests a 60 day extension of the deadline.¹⁰

4. On 19 August 2016, the Chamber invited the participants to submit observations on the Defence Request by 23 August 2016.¹¹
5. On 22 August 2016, the LRV responded to the Defence Request. She submits that the questions posed by the Chamber are extremely complex and require appropriate research and consideration,¹² taking into account the particular circumstances of the case, including the number of victims and the security situation in the field.¹³ In addition, she requests that, in the event the Chamber grants the Defence Request, the same extension should be granted for the observations of the LRV.¹⁴ The LRV highlights that she is also preparing her submissions on the appeal against the Judgment.¹⁵ She submits that, in the preparation of her observations on reparations, she must contact the successors of deceased victims as well as the victims that are accessible, and try to locate the numerous displaced victims.¹⁶ She further indicates that the

⁶ [ICC-01/05-01/08-3423](#), paras 4 and 18 to 19.

⁷ [ICC-01/05-01/08-3423](#), para. 24.

⁸ [ICC-01/05-01/08-3423](#), paras 21 to 27.

⁹ [ICC-01/05-01/08-3423](#), para. 28.

¹⁰ [ICC-01/05-01/08-3423](#), paras 4 and 31.

¹¹ See Email from the Chamber to Counsel on 19 August 2016 at 10:02.

¹² Réponse de la Représentante légale des victimes à « Defence Request for an Extension of Time to File Submissions Relevant to Reparations », 26 August 2016, [ICC-01/05-01/08-3426](#), para. 11.

¹³ [ICC-01/05-01/08-3426](#), para. 11.

¹⁴ [ICC-01/05-01/08-3426](#), p. 7.

¹⁵ [ICC-01/05-01/08-3426](#), footnote 20.

¹⁶ [ICC-01/05-01/08-3426](#), para. 14.

15 September 2016 deadline does not allow her to conduct the necessary consultations. .¹⁷

6. On 23 August 2016, the Registry filed a request for an extension of time to file their submissions (“Registry Request”).¹⁸ It indicates that it intends to conduct preliminary consultations with relevant key interlocutors in the field, including intermediaries and civil society actors.¹⁹ It submits that the update on the current security situation requires the collection and analysis of information from different sources, as well as multiple evaluation missions in a number of localities mentioned in the Judgment.²⁰ It contends that the volatile security situation in the field, the Registry’s limited operational capacity and ability to accommodate simultaneous field activities will make it difficult for it to meet the 15 September deadline. The Registry therefore requests a 45 day extension.²¹

II. Analysis

7. Pursuant to regulation 35 (2) of the Regulations of the Court, a Chamber may extend or reduce a time limit if good cause is shown.
8. The Chamber notes that at this preliminary stage, the submissions are primarily expected to address issues relating to the applicable “criteria and methodology” relevant to reparations.²² However, in line with the jurisprudence of the Appeals Chamber,²³ the Chamber takes into account the submission that the Defence and LRV are required to meet similar deadlines

¹⁷ [ICC-01/05-01/08-3426](#), para. 15.

¹⁸ Request for an extension of time to file submissions relevant to reparations, 23 August 2016, [ICC-01/05-01/08-3427](#).

¹⁹ [ICC-01/05-01/08-3427](#), para. 5.

²⁰ [ICC-01/05-01/08-3427](#), para. 6.

²¹ [ICC-01/05-01/08-3427](#), para. 7.

²² Indeed, the Chamber requested observations on the “criteria and methodology to be applied in the determination and assessment of (i) the eligibility of victims; (ii) the relevant harms; and (iii) the scope of liability of Mr Bemba, including the determination of the precise extent of the (monetary) obligations to be imposed on him”; [ICC-01/05-01/08-3410](#) para. 7 b.

²³ Decision on the requests for time and page extension, 18 September 2015, [ICC-01/09-01/11-1971](#), para. 6.

in the preparation of complex filings in proceedings before the Appeals Chamber; and the competing demands placed on the Registry.

9. For the foregoing reasons, the Chamber considers that good cause has been shown warranting a time extension for the filing of the submissions relevant to reparations outlined in the 22 July 2016 Order. The Chamber considers it appropriate to grant an extension to all the participants in the interests of efficiency.
10. However, the Chamber considers that an extension of 30 days for the filing of the submissions is sufficient in the circumstances. In this regard, the Chamber reminds the parties and participants about the directions set out in the 22 July 2016 Order.²⁴ The Chamber noted that information about the harm suffered by victims and the circumstances of their victimization is available in the applications to participate in the proceedings submitted by the 5229 victims, as well as in the Judgment and the Sentence decision, which identify elements of the general impact of the crimes committed and specific harm(s) suffered by certain individual victims.²⁵ The Chamber also requested that the update on the security situation in the Central African Republic be provided on the basis of “information currently available”.²⁶ Accordingly, there is no specific obligation arising from the 22 July 2016 Order to undertake any consultations in the field.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the requests for extension of time;

²⁴ [ICC-01/05-01/08-3410](#).

²⁵ [ICC-01/05-01/08-3410](#), para. 6.

²⁶ [ICC-01/05-01/08-3410](#), para. 9 b.

ORDERS the LRV, the Defence, the Prosecution, the Registry, the TFV and the OPCV to submit the observations outlined in paragraph 7 of the 22 July 2016 Order by 17 October 2016; and

ORDERS the Registry to report on the issues outlined in paragraph 9 of the 22 July 2016 Order by 17 October 2016.

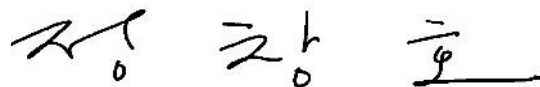
Done in both English and French, the English version being authoritative.



Judge Joyce Aluoch



Judge Geoffrey Henderson



Judge Chang-ho Chung

Dated this 25 August 2016

At The Hague, The Netherlands