



Original: **English**

No.: **ICC-01/05-01/08**
Date: **14 December 2017**

TRIAL CHAMBER III

Before: Judge Joyce Aluoch, Presiding Judge
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

Decision on the Legal Representative of the Victims request for extension of time

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes QC

Ms Kate Gibson

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**

Mr Xavier-Jean Keita

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, having regard to Regulation 35 of the Regulations of the Court (“Regulations”), issues the following “Decision on the Legal Representative of the Victims request for extension of time”:

I. Procedural background and submissions

1. The Chamber recalls the procedural history set out in its recent extension of time decisions,¹ pursuant to which the deadline for the Legal Representative of the Victims (“LRV”), the Office of Public Counsel for Victims (“OPCV”) and the Trust Fund for Victims (“TFV”) to file final submissions in the reparations proceedings (“Final Submissions”)² is 18 December 2017,³ and the deadline for the Defence for Mr Bemba (“Defence”) to file combined final submissions is 31 January 2018.⁴
2. On 20 November 2017, the Registry filed the joint report of the appointed experts (“Expert Report”), in a version available to the Chamber only.⁵
3. On 27 November 2017, the Appeals Chamber issued an order in relation to the conduct of the hearing which is set to take place between 9-12 and 16 January

¹ Decision on the request from the reparations experts for an extension of time for the submission of their joint report, 30 August 2017, ICC-01/05-01/08-3559-Red, paras 1-4; Decision on the Defence request for an extension of time to file additional observations for reparations, 8 November 2017, ICC-01/05-01/08-3569, paras 1-5; Decision on the Defence's further request for a revision of the timetable for the filing of documents, 22 November 2017, ICC-01/05-01/08-3576, paras 1-7; Decision on the Legal Representatives request for extension of time, 28 November 2017, ICC-01/05-01/08-3580, with confidential Annex A, paras 1-4.

² The Final Submissions encompass the LRV's, OPCV's and TFV's final submissions on the Expert Report, the submissions of other parties and participants and any other last arguments they wish for the Chamber to consider before rendering its reparations order.

³ ICC-01/05-01/08-3559-Red, para. 8(iii).

⁴ ICC-01/05-01/08-3576, para. 11. The Defence's final combined submissions encompass both any additional information the Defence wishes to be considered in the reparations order, and Final Submissions.

⁵ Annex to the Transmission of Experts' Joint Report pursuant to Trial Chamber Decision ICC-01/05-01/08-3559-Red of 30 August 2017, ICC-01/05-01/08-3575-Conf-Exp-Anx. A second corrigendum to this version of the report was filed on 28 November 2017: ICC-01/05-01/08-3575-Conf-Exp-Anx-Corr2. A confidential redacted version of the report available to the LRV, OPCV, Defence and TFV was filed on 21 November 2017: ICC-01/05-01/08-3575-Conf-Anx-Red. A corrigendum to this version of the report was filed on 28 November 2017: ICC-01/05-01/08-3575-Conf-Anx-Red-Corr. A public redacted version of the report was filed on 30 November 2017: ICC-01/05-01/08-3575-Anx-Corr2-Red.

2018 in the appeals of Mr Bemba against his conviction and sentence (“Appeals Hearing”).⁶

4. On 1 December 2017, the LRV and OPCV filed joint submissions containing additional information they wish to be considered in the reparations order (“Joint Submissions”).⁷
5. On 5 December 2017, the LRV submitted its “Demande d’extension de délai suivant « Decision on the Defence’s further request for a revision of the timetable for the filing of documents », ICC-01/05-01/08-3576” (“LRV Request”),⁸ in which it seeks to extend its Final Submissions deadline from 18 December 2017 to 5 February 2018. In support of the Request, the LRV submits, *inter alia*, that it has been overloaded with work in the parallel appeals proceedings, such that it has not had material time to focus on the Expert Report, or discuss it with its clients.⁹ It emphasises the importance of consulting the victims for the purpose of the reparations proceedings, and recalls its mandate to act in the interests of the victims it represents.¹⁰
6. On the same day, the OPCV notified the Chamber by email that it supports the LRV Request and requests that any extension granted apply equally to it. It also notified the Chamber that the LRV and OPCV are consulting on the opportunity to file joint Final Submissions.¹¹
7. On 12 December 2017, upon invitation,¹² the TFV filed “Observations on the legal representative of victim’s further request for an extension of time,” (“TFV

⁶ Appeals Chamber, Order in relation to the conduct of the hearing before the Appeals Chamber, ICC-01/05-01/08-3579.

⁷ Soumissions conjointes des Représentants légaux des victimes d’éléments d’informations supplémentaires en vue de l’Ordonnance en réparation, ICC-01/05-01/08-3581.

⁸ Demande d’extension de délai suivant « Decision on the Defence’s further request for a revision of the timetable for the filing of documents », ICC-01/05-01/08-3576, ICC-01/05-01/08-3583.

⁹ LRV Request, ICC-01/05-01/08-3583, paras 9-11.

¹⁰ LRV Request, ICC-01/05-01/08-3583, paras 7-8.

¹¹ Email from the OPCV to the Legal Adviser to the Chamber, 5 December 2017, 09:31. The email refers to the consultations on the opportunity to file “a joint response to the experts reports” (*sic*), which in context the Chamber has interpreted to mean joint Final Submissions.

¹² Email from Associate Legal Officer assisting the Chamber to the TFV, 5 December 2017, 14:27.

Observations”),¹³ in which it (i) supports the LRV Request and requests that it be included in any extension of time granted to the LRV,¹⁴ or in the alternative (ii) requests, for different reasons, that its Final Submissions deadline be extended in line with the current Defence deadline of 31 January 2018.¹⁵ In support of its latter request, the TFV submits, *inter alia*, that, since the Expert Report and Joint Submissions were filed, neither the TFV Secretariat nor its Board of Directors has been able to devote the necessary time to closely review and consider these documents, due to competing obligations, namely, urgent deadlines in other reparations proceedings, and preparation for and participation in the TFV annual Board of Directors meeting and the Assembly of State Parties, both held in early December 2017.¹⁶

8. No observations on the LRV Request were received from the Defence.¹⁷

II. Analysis

9. Pursuant to Regulation 35(2) of the Regulations, the 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.

10. The Chamber recalls that it recently granted the Defence extensions of time to file submissions in these proceedings, on the basis of unanticipated competing deadlines and workload in the parallel appeal proceedings.¹⁸

11. Upon consideration of the LRV’s workload in both proceedings, the Chamber notes that since the Expert Report was filed, the LRV has filed Joint Submissions in these proceedings (ten days after the Expert Report) and substantive observations on contextual crimes against humanity elements submissions in the

¹³ Observations on the legal representative of victim’s further request for an extension of time, ICC-01/05-01/08-3586.

¹⁴ TFV Observations, ICC-01/05-01/08-3586, para. 10. *See also* para. 16.

¹⁵ TFV Observations, ICC-01/05-01/08-3586, para. 16. *See also* para. 11.

¹⁶ TFV Observations, ICC-01/05-01/08-3586, paras 11-15.

¹⁷ The Defence was invited to file observations, if any, on the LRV Request by 12 December 2017: *see* email from the Chamber to the Defence, 5 December 2017, 11:42.

¹⁸ ICC-01/05-01/08-3569, para. 7; ICC-01/05-01/08-3576, para. 10.

appeals proceedings (three days after the Joint Submissions).¹⁹ The Chamber further notes that the LRV has been invited to address the Appeals Chamber at the Appeals Hearing on the detailed list of issues issued on 27 November 2017.²⁰ The Chamber notes that the victims are considered a party to the reparations proceedings. It has thus also taken into account the importance of victim participation and representation in these proceedings, in particular the importance of the LRV's careful consideration with its clients of the matters and recommendations contained in the Expert Report.

12. Accordingly, the Chamber considers good cause to be established for extending the Final Submissions deadline for the LRV. The Chamber considers that an extension to 31 January 2018, in line with the current Defence deadline, is sufficient in the circumstances.

13. The Chamber considers it appropriate, in the interests of consistency, to similarly extend the Final Submissions deadline for the OPCV and TFV. Having regard to this approach, the Chamber does not consider it necessary to address the merits of part (ii) of the TFV Observations.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

PARTIALLY GRANTS the LRV Request.

AMENDS the deadline for the LRV, OPCV and TFV to file their Final Submissions to 31 January 2018.


¹⁹ Observations de la Représentante légale des victimes sur « the parties' filings on the contextual elements of crimes against humanity, », ICC-01/05-01/08-3582. *See also* Appeals Chamber, Order for submissions on the contextual elements of crimes against humanity, 30 October 2017, ICC-01/05-01/08-3564, para. 3, p. 3.

²⁰ ICC-01/05-01/08-3579, paras 1-4, 6.

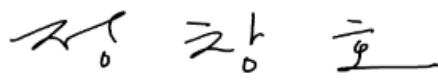
Done in both English and French, the English version being authoritative.



Judge Geoffrey Henderson



Judge Joyce Aluoch



Judge Chang-ho Chung

Dated this 14 December 2017

At The Hague, The Netherlands