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Date: **3 August 2018**

TRIAL CHAMBER III

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Chang-ho Chung
Judge Kimberly Prost

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

Public

Final decision on the reparations proceedings

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 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 Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verril

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 Articles 68(3), 75, 79 of the Rome Statute (“Statute”), Rules 86, 98(5) of the Rules of Procedure and Evidence (“Rules”), and Regulation 50(a) of the Regulations of the Trust Fund for Victims (“TFV Regulations”) issues the following “Final Decision on the reparations proceedings” (“Final Decision”):

1. On 21 March 2016, Mr Bemba was convicted by the Chamber in its previous composition, under Article 28(a) of the Statute as a person effectively acting as a military commander of the crimes of murder and rape as crimes against humanity, and murder, rape and pillage as war crimes.¹
2. On 8 June 2018, the Appeals Chamber by majority reversed Mr Bemba’s conviction, discontinuing the proceedings in relation to certain crimes, and acquitting him of all remaining charges brought against him (“Appeals Judgment”).²
3. The Chamber agrees with the submissions made that no reparations order can be made against Mr Bemba under Article 75 of the Statute.³ The Chamber must respect the limitations of this Court and recalls that it can only address compensation for harm suffered as a result of crimes when the person standing trial for his or her participation in those crimes has been found guilty.⁴ However, the Court was created with both a punitive and restorative function,⁵ and the

¹ Judgment pursuant to Article 74 of the Statute, 21 March 2016, ICC-01/05-01/08-3343.

² Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against Trial Chamber III’s “Judgment pursuant to Article 74 of the Statute”, 8 June 2018, ICC-01/05-01/08-3636-Conf (Public redacted version was filed the same day, ICC-01/05-01/08-3636-Red).

³ Mr. Bemba’s response to the “Order inviting submissions following the Appeals Decision”, 6 July 2018, ICC-01/05-01/08-3645, para. 6 (“Defence Submissions”); Prosecution’s submissions on the reparations proceedings before Trial Chamber III, 6 July 2018, ICC-01/05-01/08-3646, with Public Annex A, paras 4-7 (“Prosecution Submissions”).

⁴ See also *Prosecutor v Ruto/Sang*, Decision on Defence Applications for Judgments of Acquittal (Reasons of Judge Fremr), 5 April 2016, ICC-01/09-01/11-2027-Conf-Corr, para. 149 (Public redacted version was filed the same day, ICC-01/09-01/11-2027-Red-Corr); *Prosecutor v Ruto/Sang*, Decision on the Requests regarding Reparations, 1 July 2016, ICC-01/09-01/11-2038, para. 7.

⁵ Assembly of States Parties, Report of the Court on the implementation in 2013 of the revised strategy in relation to victims, 11 October 2013, ICC-ASP/12/41, para. 28.

Chamber is of the view that a Final Decision on the reparations proceedings is within the ambits of its powers as the Chamber which has conducted the entire trial and reparations proceedings in this case. The Chamber considers it appropriate to acknowledge the victims' views and concerns, in accordance with Article 68(3) of the Statute,⁶ and does not consider this Final Decision in any way prejudicial or inconsistent with the rights of Mr Bemba.

4. In order to provide the victims, but also the Defence and other participants (including, in these circumstances, the Trust Fund for Victims ("TFV")) with a last opportunity to present their views and concerns before issuing this Final Decision, the Chamber has invited them to file final observations,⁷ which were received on 6 July 2018, from the Defence for Mr Bemba ("Defence") ("Defence Submissions"),⁸ the Legal Representative of Victims ("LRV") and the Office of Public Counsel for Victims ("OPCV") (together, the "Legal Representatives") ("Joint Submissions"),⁹ the Office of the Prosecutor ("Prosecution") ("Prosecution Submissions")¹⁰ and the TFV ("TFV Submissions").¹¹

Acknowledgment of victims

5. The Chamber acknowledges all the victims who have come forward to participate in the trial proceedings of this case, by testifying before this Court or sharing their views and concerns in other ways.

⁶ Article 68(3) of the Statute provides that "*Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the Court considers it appropriate, in accordance with the Rules of Procedure and Evidence.*" See also Rule 86 of the Rules: "*A Chamber in making any direction or order, and other organs of the Court in performing their functions under the Statute or the Rules, shall take into account the needs of all victims and witnesses in accordance with article 68, in particular, children, elderly persons, persons with disabilities and victims of sexual or gender violence.*"

⁷ Order inviting submissions following the Appeals Decision, 13 June 2018, ICC-01/05-01/08-3639.

⁸ Defence Submissions, ICC-01/05-01/08-3645.

⁹ Soumissions conjointes des Représentants légaux des victimes sur les conséquences de l'Arrêt de la Chambre d'appel du 8 juin 2018 sur la procédure en réparation, 6 July 2018, ICC-01/05-01/08-3647. An English version of the Joint submissions was filed on 12 July 2018: Legal Representatives of Victims' joint submissions on the consequences of the Appeals Chamber's Judgment dated 8 June 2018 on the reparations proceedings, ICC-01/05-01/08-3649.

¹⁰ Prosecution Submissions, ICC-01/05-01/08-3646.

¹¹ Final observations on reparations following the acquittal of Mr Jean-Pierre Bemba, 6 July 2018, ICC-01/05-01/08-3648.

6. The Chamber takes note of the Legal Representatives' submissions that the victims are disappointed and have lost faith in the justice process following Mr Bemba's acquittal,¹² highlighting that the Court was the only exception to the "climate of total impunity" prevalent in the Central African Republic ("CAR").¹³ In this context, the Chamber notes that the Appeals Chamber's decision was not premised on any doubt about the harm suffered by the victims participating in the case.¹⁴ The Chamber recalls that the Appeals Chamber has recognised that certain crimes occurred in the CAR between 2002-2003 and accordingly did not challenge the victims' status as such.¹⁵ Moreover, the Chamber acknowledges that further individuals, who have not been admitted as participating victims in this case, may have suffered harm as a result of crimes under the jurisdiction of the Court in the CAR between 2002-2003, and should thus also be considered victims for the purposes of the TFV's assistance mandate.¹⁶

¹² Joint Submissions, ICC-01/05-01/08-3647, paras 2, 21, 23, 26, 29-30, 38.

¹³ Joint Submissions, ICC-01/05-01/08-3647, paras 15, 18, 20, 22.

¹⁴ See also Joint Submissions, ICC-01/05-01/08-3647, paras 7-8, 47, 64-65; TFV Submissions, ICC-01/05-01/08-3648, para. 12(a); Prosecution Submissions, ICC-01/05-01/08-3646, para. 8.

¹⁵ Appeals Judgment, ICC-01/05-01/08-3636-Red, para. 173: "[...] crimes committed by MLC troops in the CAR [...]"; para. 183: "[...] actual number of crimes established beyond reasonable doubt in the instant case was comparatively low."; para. 192: "[...] in response to crimes committed by MLC troops"; para. 194: "[...] cannot be held criminally liable under that provision for the crimes committed by MLC troops during the 2002-2003 CAR Operation." See also Separate opinion of Judge Christine Van den Wyngaert and Judge Howard Morrison, 8 June 2018, ICC-01/05-01/08-3636-Anx2, para. 57: "*The acquittal in this case pertains to Mr Bemba's responsibility as a commander. This does not mean, quite obviously, that the crimes charged were not committed. The Trial Chamber indeed made findings beyond a reasonable doubt that a number acts of murder, pillaging and rape listed in paragraphs 624, 633 and 640 of the Conviction Decision were committed by MLC troops.*"; para. 74: "*There was undeniable suffering on the part of the many victims of violence and cruelty at the hands of persons or groups that are related to the accused.*"; para. 77: "*Today's acquittal will disappoint many who have been waiting for years for someone to be held to account for the crimes that were committed against the population of the Central African Republic.*" See also Concurring Separate Opinion of Judge Eboe-Osuji, 14 June 2018, ICC-01/05-01/08-3636-Anx3, para. 1: "*The crucial question in the appeal is not whether victims suffered violations. There is ample evidence that they did. And they deserve, in my view, every rehabilitative assistance that individuals, national governments and the international community can offer, including under the Rome Statute.*" See also Dissenting Opinion of Judge Sanji Mmasenono Monageng and Judge Piotr Hofma ski, 8 June 2018, ICC-01/05-01/08-3636-Conf-Anx1, para. 91: "[...] we are satisfied that it was not unreasonable for it to find that MLC troops carried out a widespread attack against the civilian population in the CAR the areas of the CAR in which they were present throughout the 2002-2003 CAR Operation" (Public redacted version was filed the same day, ICC-01/05-01/08-3636-Anx1-Red).

¹⁶ Noting the TFV Submissions, ICC-01/05-01/08-3648, para. 12(a) in this regard, the Chamber does not consider it appropriate to make any determinations in relation to the scope of victims in the "CAR I Situation", due to the fact that Pre Trial Chamber II is seized of this situation as such. Nonetheless, the Chamber notes that throughout the proceedings parties and participants and the like have indicated that the total number of victims of crimes committed in the CAR between 2002-2003 exceeds those who previously filed applications of participation, see for instance Prosecution's Observations on Reparations, 31 October 2016, ICC-01/05-01/08-3454, with Public Annex A and confidential Annex B, paras 15, 33 ("Prosecution Initial Submissions"); Soumissions conjointes des Représentants légaux des victimes d'éléments d'informations supplémentaires en

7. The Chamber does not consider it appropriate to make concrete findings on the extent and scope of victimisation.¹⁷ However, the Chamber recognises the suffering which occurred in the CAR communities,¹⁸ in particular the effects of the use of sexual violence during the conflict.¹⁹

Appreciation of work efforts during the reparations phase

8. Over the past two years, reparations proceedings in this case have advanced and a number of detailed submissions on reparations have been received. The Chamber expresses its appreciation for the efforts made by all parties and participants, *amici curiae* and the four appointed experts (“Experts”)²⁰ during this period. *Inter alia*, the Chamber expresses its appreciation for (i) the initial observations received in October 2016, on a number of issues relevant to

vue de l’Ordonnance en réparation, 1 December 2017, ICC-01/05-01/08-3581, paras 2, 18 (“LRV/OPCV Additional Submissions”); Observations consolidées de la Représentante légale des victimes, 28 February 2018, ICC-01/05-01/08-3612-Conf, para. 27 (“LRV Final Submissions”); Submissions relevant to reparations, 31 October 2016, ICC-01/05-01/08-3455, paras 18, 59, 93 (“OPCV Initial Submissions”); Consolidated Final Submissions on Reparations, 28 February 2018, ICC-01/05-01/08-3610-Conf, with Confidential Annex, paras 39, 47 (“OPCV Final Submissions”). Accordingly, the Chamber is of the view that this recognition, which aims at encouraging the TFV to expand the scope of its assistance mandate to a larger number of potential beneficiaries, is in the interests of the victims and not prejudicial to Mr Bemba, noting that the assistance mandate is independent of any conviction or acquittal. *See below*, para. 11.

¹⁷ See proposals in the Joint Submissions, ICC-01/05-01/08-3647, paras 4, 5, 14, 33, 39, 45, 49, 54, 64, 66; TFV Submissions, ICC-01/05-01/08-3648, paras 9(d), 10.

¹⁸ See footnote 15 above. *See also, for instance*, OPCV Initial Submissions, ICC-01/05-01/08-3455, paras 4, 34; OPCV Final Submissions, ICC-01/05-01/08-3610-Conf, paras 49-62; LRV Final Submissions, ICC-01/05-01/08-3612-Conf, para. 30; Corrigendum to ICC-01/05-01/08-3575-Conf-Exp-Anx-Corr, 28 November 2018, ICC-01/05-01/08-3575-Conf-Exp-Anx-Corr2, paras 69-77 (pillage), paras 81-97 (murder), paras 101-133 (rape) (“Expert Report”). The Chamber notes that the original “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, was filed on 20 November 2017. 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.

¹⁹ The Chamber notes the Legal Representatives’ submissions in this regard: The Legal Representatives submit that the “sexual violence perpetrated during the conflict in 2002-2003 led to the destruction of the social fabric” in the CAR, paving the way to systematic use of sexual violence as a “tool of war,” Joint Submissions, ICC-01/05-01/08-3647, para. 32.

²⁰ Decision appointing experts on reparations, 2 June 2017, ICC-01/05-01/08-3532-Conf (Public redacted version was filed on the same day, ICC-01/05-01/08-3532-Red); List of Proposed Experts Pursuant to Trial Chamber III’s Decisions ICC-01/05-01/08-3410 of 22 July 2016, ICC-01/05-01/08-3442 of 7 October 2016 and ICC-01/05-01/08-3453 of 28 October 2016, 22 December 2016, ICC-01/05-01/08-3487, with 28 Confidential Annexes; Observations et proposition d’instructions des Représentants légaux des victimes suite à l’Ordonnance de la Chambre ICC-01/05-01/08-3500-Conf, 3 April 2017, ICC-01/05-01/08-3512-Conf (Public redacted version was filed on 4 April 2017, ICC-01/05-01/08-3512-Red); Defence’s Observations on Trial Chamber III’s order inviting submissions on experts, ICC-01/05-01/08-3500-Conf, with Public Annex A, 3 April 2017, ICC-01/05-01/08-3513.

reparations,²¹ from the LRV,²² the OPCV,²³ the Defence,²⁴ the Registry,²⁵ the TFV,²⁶ and the Prosecution,²⁷ as well as from a number of organisations under Article 75(3) of the Statute and Rule 103 of the Rules, following leave from the Chamber,²⁸ namely the Queen’s University Belfast,²⁹ the Redress Trust,³⁰ the United Nations,³¹ and the International Organization for Migration;³² (ii) the Experts’ joint report (“Expert Report”) received in November 2017,³³ and the joint addendum to the Expert Report received in February 2018,³⁴ from three out of four of the Experts, following a request from the Chamber,³⁵ (iii) additional submissions received from the LRV and OPCV in December 2017;³⁶ (iv) observations on the feasibility of the types and modalities of reparations recommended by the Experts, received from the Registry in January 2018,³⁷ and from one of the *amicus curiae* organisations in February 2018;³⁸ and (v) final

²¹ Order requesting submissions relevant to reparations, 22 July 2016, ICC-01/05-01/08-3410; Email from the Chamber on 05 August 2016 at 12:43 granting the OPCV leave to submit submissions relevant to reparations.

²² Observations de la Représentante légale des victimes relativement aux réparations, 31 October 2016, ICC-01/05-01/08-3459-Conf (Public redacted version was filed on 25 November 2016, ICC-01/05-01/08-3459-Red).

²³ OPCV Initial Submissions, ICC-01/05-01/08-3455.

²⁴ Defence observations on reparations, 31 October 2016, ICC-01/05-01/08-3458-Conf (Public redacted version was filed on 1 November 2016, ICC-01/05-01/08-3458-Red).

²⁵ Registry’s observations pursuant to Trial Chamber Order ICC-01/05-01/08-3410 of 22 July 2016, 31 October 2016, ICC-01/05-01/08-3460.

²⁶ Observations relevant to reparations, 31 October 2016, ICC-01/05-01/08-3457.

²⁷ Prosecution Initial Submissions, ICC-01/05-01/08-3454.

²⁸ Decision on requests to make submissions pursuant to article 75(3) of the Statute and rule 103 of the Rules of Procedure and Evidence, 26 August 2016, ICC-01/05-01/08-3430.

²⁹ Submission by QUB Human Rights Centre on reparations issues pursuant to Article 75 of the Statute, 17 October 2016, ICC-01/05-01/08-3444.

³⁰ Observations by the Redress Trust pursuant to Article 75(3) of the Statute and Rule 103 of the Rules, 17 October 2016, ICC-01/05-01/08-3448.

³¹ Joint submission by the United Nations containing observations on Reparations pursuant to Rule 103 of the Rules of Procedure and Evidence, 17 October 2016, ICC-01/05-01/08-3449.

³² Submission by the International Organization for Migration to the International Criminal Court pursuant to article 75(3) of the statute: on the issues proposed by Trial Chamber III on the 12th August 2016, 17 October 2016, ICC-01/05-01/08-3447.

³³ Expert Report, ICC-01/05-01/08-3575-Conf-Exp-Anx-Corr2.

³⁴ Annex to the Transmission of Addendum to the Expert Report Pursuant to the Trial Chamber’s Decision ICC-01/05-01/08-3601-Conf of 29 January 2018, 16 February 2018, ICC-01/05-01/08-3607-Conf-Anx.

³⁵ Order regarding follow-up matters arising from Expert Report ICC-01/05-01/08-3575-Anx-Corr2-Red, 22 December 2017, ICC-01/05-01/08-3588-Conf (Public redacted version was filed the same day, ICC-01/05-01/08-3588-Red).

³⁶ LRV/OPCV Additional Submissions, ICC-01/05-01/08-3581.

³⁷ Annex to the Registry Report on the Security Situation in the Central African Republic, 31 January 2018, ICC-01/05-01/08-3604-Conf-Anx.

³⁸ Annex to the Transmission of Observations, 1 February 2018, ICC-01/05-01/08-3605-Conf-Anx. The observations were received by the Registry on 31 January 2018: ICC-01/05-01/08-3605-Conf, para. 4.

submissions received from the LRV,³⁹ the Defence⁴⁰ and the OPCV⁴¹ in February 2018, and the TFV⁴² in March 2018.

9. The Chamber recognises that much additional effort has been made beyond that visible on the case record, and would like to thank all individuals, counsel and various sections of the Court, at headquarters and in the field, involved in the reparations proceedings, for contributing to the Court's goal of giving the victims a voice in the judicial process.⁴³
10. The Chamber will share the knowledge acquired in these proceedings regarding the reparations process with other Chambers, where possible and appropriate, to facilitate and expedite future reparations proceedings, and it encourages the parties and participants involved in this case to do the same.⁴⁴

TFV's assistance mandate

11. Noting that this Final Decision marks the formal end of the reparations proceedings in this case, the Chamber stresses the importance of the TFV's assistance mandate under Regulation 50(a) of the TFV Regulations, Article 79 of the Statute and Rule 98(5) of the Rules.⁴⁵ The Chamber, like the Legal Representatives and the Prosecutor,⁴⁶ thus welcomes the TFV's "decision to accelerate the launch of a programme under its assistance mandate for the benefit of victims and their families in the situation of the Central African Republic ("CAR I")", which was communicated to the Assembly of States Parties by the

³⁹ LRV Final Submissions, ICC-01/05-01/08-3612-Conf.

⁴⁰ Defence consolidated submissions on reparations, 28 February 2018, ICC-01/05-01/08-3609-Conf.

⁴¹ OPCV Final Submissions, ICC-01/05-01/08-3610-Conf.

⁴² Final observations on reparations, 7 March 2018, ICC-01/05-01/08-3614-Conf.

⁴³ See also TFV Submissions, ICC-01/05-01/08-3648, para. 9(a); Joint Submissions, ICC-01.05-01/08-3647, para. 67.

⁴⁴ In this regard the Chamber also takes note of the Joint Submissions, ICC-01/05-01/08-3647, paras 6, 55, 62-63.

⁴⁵ See also TFV Submissions, ICC-01/05-01/08-3648, para. 6.

⁴⁶ Joint Submissions, ICC-01.05-01/08-3647, para. 6; Prosecution Submissions, ICC-01/05-01/08-3646, para. 12.

Chair of the Board of Directors of the TFV (“Board Communication”).⁴⁷ The Chamber notes the Board’s assessment that:

Activities undertaken under the Fund’s assistance mandate are distinct from the judicial proceedings of the Court and do not require the conviction or even the identification of the perpetrator(s) of the harms suffered by victims. It is necessary that victims have suffered harms from crimes under the jurisdiction of the Court as defined by the “situation” under investigation by the Prosecutor. In taking its decision, the Board observed that, irrespective of the outcome of the judicial proceedings, victims who presented themselves to the Court in the context of the Bemba case are, by definition, victims of the “situation” in CAR I.⁴⁸

12. Noting the high number of victims in this case, as well as the difficult security situation in the CAR, the TFV will likely be faced with a difficult mission in implementing a programme under its assistance mandate. The success of any programme will largely depend on the TFV’s capacity to have access to, *inter alia*, updated data on the victims, such as their contact and location details, as well as networks of stakeholders *in situ*. Noting that much of this information has already been collected throughout the reparations proceedings by the Legal Representatives and relevant sections of the Registry, the Chamber strongly encourages all relevant stakeholders to cooperate with the TFV.
13. In particular, the Chamber encourages the Registry, specifically the Victims Participation and Reparations Section, to share all relevant information with the TFV and to provide assistance to the TFV, within its capacity. Where possible and appropriate, the Registry is particularly encouraged to share information with respect to the identities of the victims, subject to their consent to such disclosure.
14. The Chamber also particularly encourages the field office in the CAR to provide support to the TFV, within its capacity and where appropriate, *inter alia*, by providing logistical support and facilitating the TFV’s activities in the CAR.

⁴⁷ [Communication from the Chair of the Board of Directors of the TFV to the President of the Assembly of States Parties](#), dated 13 June 2018. *See also* TFV Submissions, ICC-01/05-01/08-3648, para. 7.

⁴⁸ Board Communication, p. 1.

15. The Chamber notes that it is for the Counsel Support Section of the Court to consider whether it may continue its mandate of legal representation of victims in this case as victims of the CAR I situation for the limited purpose of collecting updated contact and location information of the victims, to be shared with the TFV, provided that the victims consent.⁴⁹


Principles on Reparations

16. Lastly, the Chamber takes note of the Legal Representatives' request that the Chamber issue an order pursuant to Article 75(1) and (6) of the Statute,⁵⁰ in which it, *inter alia*, establishes principles on reparations which could be applicable to future proceedings.⁵¹ The Chamber is of the view that in the specific circumstances of the case, in particular at this stage, it would be inappropriate to issue principles on reparations.


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



 Judge Geoffrey Henderson



 Judge Chang-ho Chung



 Judge Kimberly Prost

Dated this 3 August 2018

At The Hague, The Netherlands

⁴⁹ See also TFV Submissions, ICC-01/05-01/08-3648, paras 9(b)(c), 10, 12(b).

⁵⁰ Joint Submissions, ICC-01/05-01/08-3647, paras 45, 54.

⁵¹ Joint Submissions, ICC-01/05-01/08-3647, paras 4-5, 39, 45, 54, 66. The Legal Representatives argue that a joint reading of Article 75 paras 1 and 6 of the Statute allow for such an order to be made. They justify this interpretation by having recourse to the objectives and the spirit of the *travaux préparatoires*, the principle of complementarity, and the responsibilities entrusted to the Court by the Assembly of States Parties, *see* paras 45-54.