

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 June 2016

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 Redacted version of

**“Decision on the Registry Request for an Extension of Time”, ICC-01/05-01/08-
1303-Conf-Exp of 28 February 2011**

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

Mr 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

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Other

1. Trial Chamber III (“Trial Chamber” or “Chamber”) is seized of the “Request for an extension to report on the investigations pursuant to the Chamber's Decision on the ‘Report of the Registry drawing to the Chamber's attention an issue regarding an application for participation in the proceedings’” (“Request”)¹ filed on 25 February 2011, whereby the Registry requests the Chamber to grant an extension of time until 31 March 2011 to enable the Victim Participation and Reparations Section (“VPRS”) to implement the Chamber's Decision of 14 January 2011.²
2. On 14 October 2010, the Registry filed an ex parte Registry only “Report of the Registry drawing to the Chamber's attention an issue regarding an application for participation in the proceedings” (“14 October Registry Report”).³ It informed the Chamber that the Registry had received information concerning an application for participation which had not yet been submitted to the Chamber, and which could potentially have implications concerning other applications for participation. It is reported that the applicant had been assisted by an intermediary, [REDACTED] who allegedly included false information in his application form.⁴
3. By an e-mail dated 20 October 2010, the Chamber instructed the Registry to investigate the issue raised in the 14 October Registry Report, jointly with the OPCV which represents the relevant applicants, and to report back to the Chamber by way of a formal filing by 28 February 2011.⁵

¹ Request for an extension to report on the investigations pursuant to the Chamber's Decision on the “Report of the Registry drawing to the Chamber's attention an issue regarding an application for participation in the proceedings”, 25 February 2011, ICC-01/05-01/08-1297-Conf-Exp.

² ICC-01/05-01/08-1297-Conf-Exp, paragraph 14.

³ Report of the Registry drawing to the Chamber's attention an issue regarding an application for participation in the proceedings, 14 October 2010, ICC-01/05-01/08-953-Conf-Exp and annexes.

⁴ ICC-01/05-01/08-953-Conf-Exp, paragraphs 3 to 4.

⁵ Email sent by the Legal Advisor to the trial Division on 20 October 2010 at 15:59 to the Registry.

4. On 14 January 2011, the Chamber issued its “Decision on the ‘Report of the Registry drawing to the Chamber's attention an issue regarding an application for participation in the proceedings’” (“Decision of 14 January 2011”).⁶ In this decision, the Chamber ordered (a) the OPCV to file a list of applicants who were assisted by [REDACTED] and whose applications had not yet been assessed and verified by the OPCV, (b) the VPRS to contact all applicants included on the list to be provided by the OPCV; and, (c) the Registry to inform the Chamber of the results of its investigations no later than Monday 28 February 2011.
5. In its Request, the Registry provides the Chamber with preliminary information regarding the steps undertaken to date by the VPRS to conduct the interviews with the applicants and requests the Chamber to grant the VPRS an extension of the time limit for filing the final report until 31 March 2011.⁷
6. The Registry reports that although the investigation ordered by the Chamber in its 14 January 2011 Decision has been considered as a priority by the Registry, it became evident that the two VPRS staff based in [REDACTED] could not complete this mission in a timely manner without entirely postponing their field activities. As a consequence, the Registry increased its staff capacity [REDACTED].⁸
7. The Registry informs the Chamber that as the first interviews conducted revealed the complexity of conducting a thorough inquiry to ascertain the veracity of the victims' statements, while adopting at the same time a sensitive approach to victims, [REDACTED].⁹

⁶ Decision on the “Report of the Registry drawing to the Chamber’s attention an issue regarding an application for participation in the proceedings”, 14 January 2011, ICC-01/05-01/08-1125-Conf-Exp.

⁷ ICC-01/05-01/08-1297-Conf-Exp, paragraph 1.

⁸ ICC-01/05-01/08-1297-Conf-Exp, paragraphs 4 to 5.

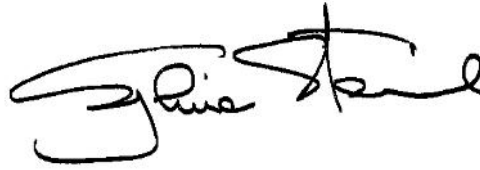
⁹ ICC-01/05-01/08-1297-Conf-Exp, paragraphs 6 to 7.

8. The Registry further submits that when establishing an adequate timeline to conduct interviews, it had to take into account the time needed to provide adequate explanations and information to the applicants, in order to ensure that they understood the process and to minimize the negative impact on them as well as the guidelines on the number of hours that interpreters can work.¹⁰
9. In view of the matters outlined, the Registry reports that to date the VPRS could only perform, on average, five interviews per team per day. Taking into consideration this pace, the VPRS has estimated that all the interviews and the report can be completed by 31 March 2011.¹¹
10. Considering the explanations provided and given the necessity to enable the VPRS to carry out a thorough investigation, the Chamber decides that an extension of time is appropriate, and that good cause has been demonstrated, pursuant to Regulation 35(2) of the Regulations of the Court.
11. For these reasons, the Chamber hereby extends the relevant time limit to 31 March 2011.

¹⁰ ICC-01/05-01/08-1297-Conf-Exp, paragraphs 8 to 10.

¹¹ ICC-01/05-01/08-1297-Conf-Exp, paragraph 11.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 28 June 2016

At The Hague, the Netherlands