**Cour
Pénale
Internationale**

**International
Criminal
Court**

Original: **English**

No**.: ICC-01/05-01/08**
Date: **26 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

Decision on requests to make submissions pursuant to article 75(3) of the Statute and rule 103 of the Rules of Procedure and Evidence

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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

Applicants
Queen's University Belfast Human Rights Centre
Redress Trust
The United Nations
International Organization for Migration

Trial Chamber III ("Chamber") of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* ("case"), issues the following "Decision on requests to make submissions pursuant to article 75(3) of the Statute and rule 103 of the Rules of Procedure and Evidence":

I. Procedural background

1. On 22 July 2016, the Chamber issued its Order requesting submissions relevant to reparations, in which the Chamber, *inter alia*, invited interested organisations to request, by 15 August 2016, leave to make submissions pursuant to article 75(3) of the Rome Statute ("Statute") and rule 103 of the Rules of Procedure and Evidence ("Rules").[1]

2. Queen's University Belfast Human Rights Centre ("Queen's University") filed its request for leave to make submissions on 8 August 2016.[2] Queen's University notes that it was granted leave to file submissions on similar issues in the case of *the Prosecutor v. Germain Katanga*[3] ("*Katanga* case") and that it has over twenty five years of experience in researching and providing expert testimony and consultation on reparations to governments, regional courts and civil society organizations.[4]

3. The Redress Trust ("Redress") filed its request for leave to make submissions on 10 August 2016.[5] Redress submits that it has extensive experience in representing the rights of victims and intervening before national and international courts.[6]

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[1] Order requesting submissions relevant to reparations, 22 July 2016, ICC-01/05-01/08-3410, p. 6.

[2] Request for leave to file submission on reparations issues pursuant to Article 75 of the Statute, 8 August 2016, ICC-01/05-01/08-3420.

[3] Queen's University Belfast's Human Rights Centre (HRC) and University of Ulster's Transitional Justice Institute (TJI) Submission on Reparations Issues pursuant to Article 75 of the Statute, 14 May 2015, ICC-01/04-01/07-3551.

[4] ICC-01/05-01/08-3420, para. 3.

[5] Application by the Redress Trust for leave to submit observations pursuant to Article 75(3) of the Statute and Rule 103 of the Rules, 10 August 2016, ICC-01/05-01/08-3421.

[6] ICC-01/05-01/08-3421, para. 8.

4. On 16 August 2016, the Chamber received an application by the United Nations ("UN") for leave to make submissions.[7] The UN submitted its application on behalf of the Office of the High Commissioner for Human Rights ("OHCHR") and the Office of the Special Representative of the United Nations Secretary-General on Sexual Violence in Conflict ("OSRSG-SVC"). It contends that both these offices, considering their respective mandate and their previous participation as *amici curiae* in the reparations proceedings in the *Katanga* case, possess the necessary experience and expertise to assist the Chamber in respect of the issues identified in its 22 July 2016 Order.[8]

5. Lastly, on 16 August 2016, the Chamber received, through the Registry, a letter from the International Organization for Migration ("IOM").[9] The IOM submits that it has vast experience from the policy and operational points of view in the Central African Republic ("CAR"), which has been a State party to the IOM since 2010.[10]

6. On 19 August 2016, the Chamber invited the Defence and the Legal representative of victims to submit observations, if any, on the four requests.[11] No observations were filed.

II. Analysis

7. Rule 103 of the Rules provides that "[a]t any stage of the proceedings, a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate". According to this provision, and in line with the jurisprudence

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[7] Application by the United Nations for leave to make submissions pursuant to Article 75 of the Statute and Rule 103 of the Rules of Procedure and Evidence, 16 August 2016, ICC-01/05-01/08-3422. The UN submitted its application to the Registry on 15 August 2015 (see e-mail exchange between Trial Chamber and the Registry, 24 August 2016).

[8] ICC-01/05-01/08-3422, paras 7-17.

[9] Annex 1 to the Registry's implementation of Decision ICC-01/05-01/08-3410, 16 August 2016, ICC-01/05-01/08-3425-Conf-AnxI. The IOM submitted its application to the Registry on 15 August 2016 (see Registry's implementation of Decision ICC-01/05-01/08-3410, 16 August 2016, ICC-01/05-01/08-3425).

[10] ICC-01/05-01/08-3425-Conf-AnxI, p. 2.

[11] Email from the Chamber on 19 August 2016 at 09:58.

of the Appeals Chamber, the Chamber shall evaluate whether the observations proposed are desirable for the proper determination of the case and whether they relate to any issue that the Chamber deems appropriate.[12]

8. The Chamber observes that all four applicants seek leave to make submissions on all or part of the issues identified by the Chamber in its Order. The Chamber further observes that Queen's University has extensive experience in research and expert consultation on reparations before judicial and non-judicial bodies. Redress has an established record of involvement with international bodies and governments on matters related to reparations. The OHCHR and the OSRSG-SVC possess specific expertise in reparations approaches and programmes, particularly with regard to victims of sexual crimes. The IOM, by virtue of its field activities, has acquired technical and operational knowledge of the CAR. In addition, the Chamber notes that Queen's University, Redress and the UN have previously been granted leave to make submissions on reparations issues in the *Katanga* case, [13] which evidences their familiarity with the reparations proceedings.

9. In light of the foregoing, the Chamber grants Queen's University, Redress, the UN and the IOM leave to make submissions on the issues proposed in their respective requests. The submissions shall not exceed 50 pages and they should be filed by 17 October 2016.

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[12] Judgment on the appeals against the 'Decision establishing the principles and procedures to be applied to reparations' of 7 August 2012, Appeals Chamber, 3 March 2015, ICC-01/04-01/06-3129, para. 247.
[13] Ordonnance autorisant le dépôt d'observations en application de l'article 75-3 du Statut, 1 April 2015, ICC-01/04-01/07-3533-Red.

FOR THESE REASONS, THE CHAMBER

GRANTS Queen's University Belfast Human Rights Centre, The Redress Trust, the United Nations and the International Organization for Migration leave to make submissions on the issues proposed in their respective requests, not exceeding 50 pages each, by 17 October 2016.

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

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Judge Joyce Aluoch

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Judge Geoffrey Henderson   **Judge Chang-ho Chung**

Dated this 26 August 2016

At The Hague, The Netherlands