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

With 28 confidential annexes

**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**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Other

I. Introduction

1. The Registry respectfully submits a list of proposed experts (“List”) relevant to the reparations in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Case”) as well as the related applicants’ documents pursuant to Trial Chamber III’s (“Chamber”) instruction in its “Order requesting submissions relevant to reparations (“22 July 2016 Order”) .¹

II. Procedural History

2. On 21 March 2016, the Chamber convicted Mr Jean-Pierre Bemba Gombo under article 28(a) of the Rome Statute (“Statute”), as a person effectively acting as a military commander, of the crimes of (i) murder as a crime against humanity under article 7(1)(a) of the Statute and as a war crime under article 8(2)(c)(i) of the Statute; (ii) rape as a crime against humanity under article 7(1)(g) of the Statute and as a war crime under article 8(2)(e)(vi) of the Statute; and (iii) pillaging as a war crime under article 8(2)(e)(v) of the Statute (“Judgment”).²
3. On 21 June 2016, the Chamber sentenced Mr Jean-Pierre Bemba Gombo to a total of 18 years of imprisonment and indicated that reparations to victims would be addressed in due course.³
4. On 22 July 2016, the Chamber ordered the Registry to, *inter alia*, provide the List to assist the Chamber in its determinations relevant to reparations in the Case.⁴ The Chamber specified in its 22 July 2016 Order that the “list of

¹ Trial Chamber III, “Order requesting submissions relevant to reparations”, 22 July 2016, ICC-01/05-01/08-3410.

² Trial Chamber III, “Judgment pursuant to Article 74 of the Statute”, 21 March 2016, ICC-01/05-01/08-3343.

³ Trial Chamber III, “Decision on Sentence pursuant to Article 76 of the Statute”, 21 June 2016, ICC-01/05-01/08-3399, para. 97, .

⁴ Trial Chamber III, “Order requesting submissions relevant to reparations”, 22 July 2016, ICC-01/05-01/08-3410, para. 9a.

experts should include individuals with relevant experience in the mapping of victims, identification of traumas and assessment of harms suffered by victims of mass crimes, including a financial or monetary assessment, needs of prioritization and differentiation in categories of victims, including victims of sexual violence and child victims, and expertise on manners appropriate to avoid re-traumatization, stigmatisation and/or discrimination and to ensure gender inclusion in the proceedings leading to and the design of reparations in the case”.⁵ The Chamber initially set the deadline of 15 September 2016 for the Registry to submit the List, but this initial deadline was subsequently extended until 31 October 2016, and a second time until 31 December 2016 (“Orders extending the initial deadline”).⁶

III. Applicable Law

5. The Registry submits the List in light of rule 97(2) of the Rules of Procedure and Evidence, regulation 44 of the Regulations of the Court (“Regulations”), and in accordance with the 22 July 2016 Order and the Orders extending the initial deadline.

IV. Submission

6. The Registry followed the steps detailed below in order to identify experts in the relevant matters (“Relevant Matters”) as requested by the Chamber in the 22 July 2016 Order:⁷

(1) The Registry reviewed the list of experts maintained by the Registry pursuant to regulation 44 of the Regulations in light of the Relevant

⁵ Trial Chamber III, “Order requesting submissions relevant to reparations”, 22 July 2016, ICC-01/05-01/08-3410, footnote 12.

⁶ Trial Chamber III, “Order on the Trust Fund for Victims’ request for an extension of the time limit”, 7 October 2016, ICC-01/05-01/08-3442, p. 6; Trial Chamber III, “Order on the Registry request for extension of time to identify experts”, 28 October 2016, ICC-01/05-01/08-3453, p. 5.

⁷ Trial Chamber III, “Order requesting submissions relevant to reparations”, 22 July 2016, ICC-01/05-01/08-3410, footnote 12.

Matters as well as the particularities of the Case and was unable to identify individuals with expertise in some of the Relevant Matters;

- (2) The Registry prepared a call for expressions of interest (“Call”) in both working languages of the Court, i.e. English and French;
- (3) The Call was posted for three weeks on the Court’s website and the deadline for the submission of expert applications was set on 25 November 2016;
- (4) The Call was further disseminated through different channels. This included dissemination through the Public Information and Outreach Section’s mailing list, letters to specific organizations and newspapers as well as *notes verbales* to various Embassies. In addition, the Call was publicised on the Court Human Resources Section’s social media network.⁸ Finally, the Call was sent to experts identified in previous calls for expressions of interest⁹ and to specific focal persons at various universities.¹⁰
- (5) The Registry received a total of 38 applications. Where necessary, the Registry followed up with the applicants in order to obtain some missing information from their applications. One applicant withdrew after the Registry’s request for further clarification on the alleged areas of expertise and one applicant sent an incomplete application and did not react to the Registry’s follow-up correspondence. The remaining 36 applications were sent to an external consultant¹¹ for a first assessment on whether the candidates meet the basic requirements mentioned in the Call;

⁸ Linked-in with about 15,000 followers; Facebook with about 15,000 followers; Google+ with about 8,000 followers; and Twitter with about 11,000 followers.

⁹ The Call was sent to 27 experts with the relevant experience and who were assessed as meeting the requirements of the Lubanga and the Al-Mahdi calls for expressions of interest.


¹⁰ The Call was sent to 45 focal persons within 29 universities mainly located in African, European and Middle East countries.

¹¹ The Registry usually requests this external consultant to assess the expert applications under the regulation 44 of the Regulations. This external consultant has notably assessed the expert applications for the Lubanga and Al-Mahdi calls for expressions of interest.

- (6) The external consultant assessed that 27 applications out of 36 meet the basic requirements of the Call.¹² Once the Chamber decides on the appointment of expert(s), this first assessment may be followed by a check by the Registry of the prior criminal record as part of the final assessment required for the inclusion of the experts on the list of experts pursuant to regulation 44 of the Regulations, if the Chamber decides that the inclusion to the regulation 44 list of experts is desirable ;¹³
- (7) The Registry would also like to inform the Chamber of the budgetary impact of the designation of experts in the Case, depending on the number of experts to be appointed by the Chamber, and on the exact modalities of intervention which the Chamber may want to establish for each expert.

7. The Registry hereby submits:

- Annex 1: Confidential Registry's List of Proposed Experts; and
- Annexes 2 to 28: Confidential Applications and Attached Documents of each of the 27 Proposed Experts.



Marc Dubuisson, Director, Division of Judicial Services
per delegation of the Registrar

Dated this 22 December 2016

At The Hague, The Netherlands

¹² See the List in Annex 1.

¹³ If the Chamber decides that the inclusion on the regulation 44 list of experts is not necessary, a vetting process will however need to be conducted.