



Original: **English**

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

Date: **2 March 2017**

**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**

**Order on “Demande d’extension de délai suivant « Order inviting submissions on experts », ICC-01/05-01/08-3500-Conf”**

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

**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**

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**Registrar**

Mr Herman von Hebel

**Defence Support Section**

**Victims and Witnesses Unit**

**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, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, issues the following Order on “Demande d’extension de délai suivant « Order inviting submissions on experts », ICC-01/05-01/08-3500-Conf”:

## I. Procedural background

1. On 21 February 2017, the Chamber issued an order inviting submissions on experts (“21 February 2017 Order”).<sup>1</sup> The Chamber ordered the Legal Representative of the Victims (“LRV”), the Office of Public Counsel for Victims (“OPCV”) and the Defence for Mr Jean-Pierre Bemba Gombo (“Defence”) to: (i) file joint observations on the experts proposed to assist the Chamber in its determinations on reparations, or to file separate observations if, wholly or in part, an agreement cannot be found, by 3 March 2017;<sup>2</sup> and (ii) file proposed “joint instructions” to be given to the appointed expert(s), or to file separate instructions, if wholly or in part, an agreement cannot be found, by the same deadline.<sup>3</sup>
2. In the 21 February 2017 Order, the Chamber also invited the Office of the Prosecutor (“Prosecution”), the Registry, and the Trust Fund for Victims to file observations on the proposed instructions by 13 March 2017.<sup>4</sup>
3. On 24 February 2017, the LRV, the OPCV and the Defence jointly sent an email to the Chamber requesting an extension of the deadline to file their submissions.<sup>5</sup> On the same day, the Chamber instructed them to submit a formal filing for the request sought.<sup>6</sup>

<sup>1</sup> Order inviting submissions on experts, 21 February 2017, ICC-01/05-01/08-3500-Conf.

<sup>2</sup> ICC-01/05-01/08-3500-Conf, para. 4.

<sup>3</sup> ICC-01/05-01/08-3500-Conf, para. 6.

<sup>4</sup> ICC-01/05-01/08-3500-Conf, page 5.

<sup>5</sup> Email from the LRV, the OPCV and the Defence to the Chamber, 24 February 2017 at 09:19.

<sup>6</sup> Email from the Chamber to the LRV, the OPCV and the Defence, 24 February 2017 at 15:24.

4. On 28 February 2017, the LRV, the OPCV and the Defence jointly filed a formal request for an extension of the deadline to file their submissions (“Request”), pursuant to the Chamber’s instruction, proposing a new deadline of 3 April 2017.<sup>7</sup> In the Request, they outline their reasons for requesting the extension. Firstly, they inform the Chamber that two counsel are not in The Hague in the week beginning 27 February 2017, and accordingly it is difficult to schedule meetings for consultation between them. Furthermore, the LRV will be on a mission in the Central African Republic with its entire team from 13 to 29 March 2017 in order to consult victims on the matter of reparations. This mission will include visits to places not covered by telephone and internet networks, rendering it difficult to coordinate with the other counsel.<sup>8</sup> Additionally, they contend that it is important for counsel to have time to consult with their clients in order to better assess the issues to be put before the expert(s).<sup>9</sup> Finally, they submit that due to the sensitivity of the issues and the fact that the interests of the victims and of the convicted person are not necessarily the same, more than one meeting is likely to be necessary before agreement can be reached.<sup>10</sup> They emphasise their commitment to attempting to reach agreement.<sup>11</sup>

## II. Analysis

5. Pursuant to Regulation 35(2) of the Regulations of the Court, a Chamber may extend or reduce a time limit if good cause is shown.
6. The Chamber notes the importance of receiving meaningful submissions on the experts, and joint instructions, in the interests of efficiency and completeness. Considering the need for counsel to have a sufficient opportunity to take instruction from their clients and to meet in person to discuss the issues relating to the experts, the Chamber finds that ‘good cause’ within the meaning of

<sup>7</sup> Demande d’extension de délai suivant « Order inviting submissions on experts », ICC-01/05-01/08-3500-Conf, 28 February 2017, ICC-01/05-01/08-3503.

<sup>8</sup> ICC-01/05-01/08-3503, paras 7-8.

<sup>9</sup> ICC-01/05-01/08-3503, para. 9.

<sup>10</sup> ICC-01/05-01/08-3503, para. 10.

<sup>11</sup> ICC-01/05-01/08-3503, para. 11.

Regulation 35(2) is shown, thus warranting a time extension for the filing of the submissions outlined in paragraphs 4 and 6 of the 21 February 2017 Order.

7. Additionally, the Chamber considers it is appropriate to extend the deadline set for the Prosecution, the Registry and the Trust Fund for Victims to file observations on the proposed instructions until 13 April 2017.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

**GRANTS** the Request;

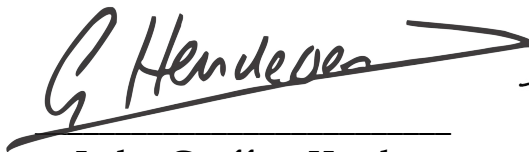
**EXTENDS** the deadline for the LRV, the OPCV and the Defence to file the submissions on the experts outlined in paragraph 4 of the 21 February 2017 Order, and proposed instructions outlined in paragraph 6 of the 21 February 2017 Order, until 3 April 2017;

**EXTENDS** the deadline for the Prosecution, the Registry and the Trust Fund for Victims to file observations on the proposed instructions until 13 April 2017.

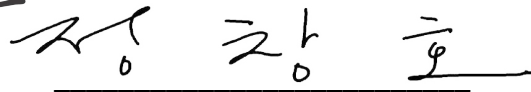
Done in both English and French, the English version being authoritative.



**Judge Joyce Aluoch**



**Judge Geoffrey Henderson**



**Judge Chang-ho Chung**

Dated this 2 March 2017

At The Hague, The Netherlands