



Original: English

No. ICC-01/05-01/13 A A2 A3 A4 A5

Date: 23 March 2017

THE APPEALS CHAMBER

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Geoffrey A. Henderson
Judge Piotr Hofma ski

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO,
AIMÉ KILOLO MUSAMBA, JEAN-JACQUES MANGENDA KABONGO,
FIDÈLE BABALA WANDU AND NARCISSE ARIDO**

Public document

**Decision on Mr Babala's request for an extension of page limit for his document
in support of the appeal**

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

Counsel for Jean-Pierre Bemba Gombo
Ms Melinda Taylor
Ms Sarah Codde

Counsel for Aimé Kilolo Musamba
Mr Michael G. Karnavas
Mr Steven Powles

Counsel for Jean-Jacques Mangenda Kabongo
Mr Christopher Gosnell
Mr Peter Robinson

Counsel for Fidèle Babala Wandu
Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido
Mr Charles Achaleke Taku
Ms Beth Lyons

REGISTRY

Registrar
Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu, and Mr Narcisse Arido against the decision of Trial Chamber VII entitled “Judgment pursuant to Article 74 of the Statute” of 19 October 2016 (ICC-01/05-01/13-1989-Red),

Having before it the “Requête de la Défense de M. Babala sollicitant l’extension du nombre de pages de son mémoire d’appel” of 21 March 2017 (ICC-01/05-01/13-2121 (A2)),

Renders pursuant to regulation 37 (2) of the Regulations of the Court the following

DECISION

1. The page limit for the document in support of the appeal of Mr Babala is extended by 15 pages.
2. The page limit for the documents in support of the appeals of Mr Arido, Mr Mangenda, Mr Bemba and Mr Kilolo is also extended by 15 pages.
3. The page limit for the Prosecutor’s consolidated response to the documents in support of the appeals is extended by 39 pages.

REASONS

I. PROCEDURAL HISTORY

1. On 19 October 2016, Trial Chamber VII (“Trial Chamber”) rendered its “Judgment pursuant to Article 74 of the Statute”¹ (“Conviction Decision”).
2. Mr Narcisse Arido (“Mr Arido”),² Mr Fidèle Babala Wandu (“Mr Babala”),³ Mr Jean-Jacques Mangenda Kabongo (“Mr Mangenda”),⁴ Mr Jean-Pierre Bemba

¹ *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, [ICC-01/05-01/13-1989-Red](#).

² “Narcisse Arido’s Notice of Appeal against the Trial Chamber VII’s ‘Judgment pursuant to Article 74 of the Statute’ (ICC-01/05-01/13-1989-Conf)”, dated 31 October 2016 and registered on 1 November 2016, [ICC-01/05-01/13-1995 \(A\)](#).

Gombo (“Mr Bemba”),⁵ and Mr Aimé Kilolo Musamba (“Mr Kilolo”) ⁶ filed appeals against the Conviction Decision.

3. On 23 November 2016, the Appeals Chamber extended the time limit for the filing of the documents in support of the appeals to 18 April 2017.⁷ It also invited Mr Arido, Mr Babala, Mr Mangenda, Mr Bemba and Mr Kilolo to specify briefly, by 14 February 2017, the legal findings of the Trial Chamber which they intended to challenge on appeal,⁸ which they did by filing detailed notices of appeal.⁹

4. On 21 March 2017, Mr Babala filed a request for an extension of page limit for his document in support of the appeal¹⁰ (“Request”).¹¹

II. MERITS

5. Regulation 58 (5) of the Regulation of the Court provides that the document in support of the appeal shall not exceed 100 pages. Pursuant to regulation 37 (2) of the Regulations of the Court, a Chamber may grant an extension of the page limit “in exceptional circumstances”.

6. Mr Babala requests that the page limit for his document in support of the appeal be extended by 50 pages to a total of 150 pages.¹² Mr Babala submits that he finds it

³ “Notification d’appel de la Défense de M. Fidèle Babala Wandu à l’encontre du jugement rendu en application de l’article 74 du Statut par la Chambre de première instance VII le 19 octobre 2016”, 2 November 2016, [ICC-01/05-01/13-1999 \(A2\)](#).

⁴ “Notice of Appeal”, 4 November 2016, [ICC-01/05-01/13-2006 \(A3\)](#).

⁵ “Notice of Appeal”, 7 November 2016, [ICC-01/05-01/13-2012 \(A4\)](#).

⁶ “Acte d’appel de la Défense de Maître Aimé Kilolo Musamba à l’encontre du «*Judgment pursuant to Article 74 of the Statute*» (ICC-01/05-01/13-1989-Conf) rendu par la Chambre de première instance VII le 19 octobre 2016.”, dated 7 November 2016 and registered on 8 November 2016, [ICC-01/05-01/13-2015 \(A5\)](#).

⁷ “Decision on requests for an extension of the time limit for the filing of the documents in support of the appeal”, [ICC-01/05-01/13-2046 \(A A2 A3 A4 A5\)](#) (“Decision of 23 November 2016”), para. 18.

⁸ Decision of 23 November 2016, para. 21.

⁹ “Soumission de la Défense de M. Babala en exécution de l’ordonnance de la Chambre d’appel ICC-01/05-01/13-2046 A A2 A3 A5 [*sic*] A5”, 14 February 2017, [ICC-01/05-01/13-2107 \(A2\)](#) (“Mr Babala Detailed Notice of Appeal”); “Detailed Notice of Appeal”, 14 February 2017, [ICC-01/05-01/13-2108 \(A3\)](#); “Public Redacted Version of ‘Bemba Defence Filing Identifying Errors in the Trial Judgment’”, 31 January 2017, [ICC-01/05-01/13-2102-Red \(A4\)](#); “Aimé Kilolo Musamba’s submissions in compliance with ‘Decision on requests for an extension of the time limit for the filing of the documents in support of the appeal’ (ICC-01/05-01/13-2046)”, 14 February 2017, ICC-01/05-01/13-2109-Conf (A5); “Narcisse Arido’s Updated Detailed Notice of Appeal”, 22 February 2017, ICC-01/05-01/13-2110-Conf (A A2 A3 A4 A5).

¹⁰ “Requête de la Défense de M. Babala sollicitant l’extension du nombre de pages de son mémoire d’appel”, [ICC-01/05-01/13-2121 \(A2\)](#).

¹¹ While this decision is rendered before the filing of a response from the Prosecutor, the Appeals Chamber considers that this is done without prejudice to the Prosecutor.

difficult to respect the prescribed page limit because the Conviction Decision raises complex legal and factual questions which will require him to develop extensively his arguments.¹³ He argues that the Appeals Chamber has recognised the complexity and novelty of the issues to be addressed on appeal in the present case.¹⁴ Finally, Mr Babala avers that should the Appeals Chamber grant the Request, he will use conscientiously the additional pages sought.¹⁵

7. The Appeals Chamber notes that, in his Detailed Notice of Appeal, Mr Babala identified a broad range of purported legal, factual and procedural errors that are likely to be developed in his document in support of the appeal. The Appeals Chamber further observes that the present appeal raises multiple and complex issues, some of which will be brought before the Court for the first time.

8. The Appeals Chamber is therefore persuaded that Mr Babala has demonstrated the existence of “exceptional circumstances” for the purposes of regulation 37 (2) of the Regulations of the Court. However, the Appeals Chamber considers that a page extension of 15 pages, as opposed to the 50 pages requested by Mr Babala, is adequate and sufficient in the circumstances, and, accordingly, grants the Request in part.

9. In these circumstances and in the interests of efficiency, the Appeals Chamber deems it appropriate to extend on its own motion the page limit for the documents in support of the appeals of Mr Arido, Mr Mangenda, Mr Bemba and Mr Kilolo by 15 pages as well. With respect to the Prosecutor’s consolidated response to the appeals, the Appeals Chamber finds it appropriate to extend the page limit by 39 pages, applying *mutatis mutandis* the approach set out in regulation 63 (3) of the Regulation of the Court.

¹² Request, para. 1.

¹³ Request, para. 8.

¹⁴ Request, para. 9, referring to Decision of 23 November 2016, para. 18.

¹⁵ Request, para. 11.

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



Judge Silvia Fernández de Gurmendi
Presiding Judge

Dated this 23rd day of March 2017

At The Hague, The Netherlands