



Original: **English**

No.: ICC-01/05-01/08
Date: 8 November 2017

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

**Decision on the Defence request for an extension of time to file additional
observations for reparations**

Order 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 QC

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**

Mr Xavier-Jean Keita

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

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 (“Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, having regard to Regulation 35 of the Regulations of the Court (“Regulations”), issues the following “Decision on the Defence request for an extension of time to file additional observations for reparations”:

I. Procedural background and submissions

1. On 2 June 2017, the Chamber appointed four experts to assist in the reparations proceedings (“Appointed Experts”), and instructed them to file their report(s) by 15 September 2017.¹ The Chamber also set deadlines for the filing of further submissions by the Legal Representative of the Victims (“LRV”), the Office of Public Counsel for Victims (“OPCV”), the Defence for Mr Bemba (“Defence”), and the Trust Fund for Victims (“TFV”).²
2. On 30 August 2017, the deadline for filing of the Appointed Experts’ joint report was extended by the Chamber, upon request,³ to 20 November 2017.⁴ The Chamber also amended the deadline for the Defence, LRV and OPCV to submit any additional information they wish to be considered in the reparations order, to 20 November 2017 (“Additional Information Deadline”) and the deadline for the LRV, OPCV, Defence and TFV to file submissions on the Appointed Experts’ report, the submissions of other participants and any other last arguments, to 18 December 2017.⁵
3. On 30 October 2017, the Appeals Chamber issued an order in the appeal of Mr Bemba against his conviction, requiring, *inter alia*, the appellant (the Defence in the proceedings before this Chamber) to file further submissions on various

¹ Decision appointing experts on reparations, ICC-01/05-01/08-3532-Conf, para. 14.

² ICC-01/05-01/08-3532-Conf, paras 15-16.

³ Transmission of Request from the Reparations Experts for an Extension of Time for the Submission of their Joint Report pursuant to ICC-01/05-01/08-3532-Red, 15 August 2017, ICC-01/05-01/08-3554 and Annex, ICC-01/05-01/08-3554-Conf-Anx.

⁴ Decision on the request from the reparations experts for an extension of time for the submission of their joint report, ICC-01/05-01/08-3559-Conf, para. 8.

⁵ ICC-01/05-01/08-3559-Conf, para. 8.

issues related to its ground of appeal on the contextual elements of crimes against humanity, by 13 November 2017 (“Appeals Deadline”).⁶

4. On 1 November 2017, the Defence filed a request (“Request”),⁷ seeking a 14 day extension of the Additional Information Deadline. The Defence submits that it is beyond its resources to produce the two substantial and important filings required by the Additional Information Deadline and the Appeals Deadline within seven days of each other.⁸ The Defence further states that it has no objection to the Additional Information Deadline being similarly extended for the other parties and participants.⁹
5. On 3 November 2017, the LRV and OPCV jointly notified the Chamber by email that they do not oppose the Request, but requested that any new deadline established by the Chamber for the Additional Information Deadline apply equally to them.¹⁰

II. Analysis

6. Pursuant to Regulation 35(2) of the Regulations, the Chamber may extend or reduce a time limit if good cause is shown, and, where appropriate, after having given the participants an opportunity to be heard.
7. The Chamber considers the imposition of the Appeals Deadline to amount to good cause for extending the Additional Information Deadline for the Defence, considering the proximity of the two deadlines, the potentially substantial nature of the two filings, and the reduced resources of the Defence. However, the Chamber considers that an extension of seven days is sufficient, considering the amount of time the Defence has already had to prepare its additional submissions.

⁶ Appeals Chamber, Order for submissions on the contextual elements of crimes against humanity, ICC-01/05-01/08-3564.

⁷ Defence’s Request for an extension of time to file additional observations for Reparations, ICC-01/05-01/08-3565.

⁸ Request, ICC-01/05-01/08-3565, para. 7.

⁹ Request, ICC-01/05-01/08-3565, para. 8.

¹⁰ Email from LRV and OPCV to the Legal Adviser to the Chamber, 3 November 2017, 10:48.


8. The Chamber considers it appropriate to similarly extend the Additional Information Deadline for the LRV and OPCV.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY


PARTIALLY GRANTS the Request.

AMENDS the deadline for the Defence, LRV and OPCV to submit any additional information they wish to be considered in the reparations order, to 27 November 2017.

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



Judge Geoffrey Henderson



Judge Joyce Aluoch



Judge Chang-ho Chung

Dated this 8 November 2017

At The Hague, The Netherlands