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

Date: **26 June 2018**

TRIAL CHAMBER III

Before: Judge Geoffrey Henderson, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
v. JEAN-PIERRE BEMBA GOMBO**

Public

Decision on the Legal Representatives' request for extension of time

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 James Stewart

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 Peter Lewis

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

Judge Geoffrey Henderson, acting as Single Judge on behalf of Trial Chamber III (“Single Judge” and “Chamber”, respectively) 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 Legal Representatives’ request for extension of time”:

I. Procedural background and submissions

1. On 8 June 2018, the Appeals Chamber by majority reversed Mr Bemba’s conviction in this case, discontinuing the proceedings in relation to certain crimes, and acquitting him of all remaining charges brought against him (“Appeals Decision”).¹
2. On 13 June 2018, the Chamber invited the Defence, the Legal Representative of the Victims (“LRV”), the Office of the Public Counsel for Victims (“OPCV”), the Office of the Prosecutor (“Prosecution”) and the Trust Fund for Victims (“TFV”) to file consequential submissions on the reparations proceedings, if they so wished, by 29 June 2018 (“Order”).²
3. On 20 June 2018, the LRV and OPCV (together, “Legal Representatives”) filed a request for an extension of time until 20 July for filing a joint submission pursuant to the Order (“Request”).³ The reasons for the Request include, *inter alia*: (i) the LRV’s unavailability due to a two week mission to the Central African Republic (“CAR”) for the purpose of personally informing her clients about the Appeals Decision and conducting consultations,⁴ (ii) the necessity for the Legal Representatives to consult with their clients in order to make informed submissions,⁵ and the associated logistics involved considering the

¹ Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against Trial Chamber III’s “Judgment pursuant to Article 74 of the Statute”, 8 June 2018, ICC-01/05-01/08-3636-Red.

² Order inviting submissions following the Appeals Decision, 13 June 2018, ICC-01/05-01/08-3639.

³ Demande conjointe des Représentants légaux des victimes de prorogation de délai suite à l’ « Order inviting submissions following the Appeals Decision », ICC-01/05-01/08-3639, 20 June 2018, ICC-01/05-01/08-3641.

⁴ Request, ICC-01/05-01/08-3641, para. 6.

⁵ Request, ICC-01/05-01/08-3641, paras 8, 10, 11.

large number of victims and their geographical dispersion,⁶ (iii) the consultations required between the Legal Representatives in order to make a joint submission, which they say is preferable because the submissions requested by the Chamber raise legal issues of an unprecedented nature, with such consultations not being possible before 27 June due to the LRV's mission and network complications.⁷

4. On 21 June 2018, the Chamber invited the Defence, the Prosecution and the TFV to file observations on the Request, if any, by 25 June 2018.⁸
5. On 22 June 2018, the TFV informed the Chamber that it has no observations to make on the Request.⁹
6. On 25 June 2018, the Prosecution indicated that it does not oppose the Request, and asks the Chamber to grant all parties and participants such additional time to file their submissions by 20 July 2018.¹⁰ On the same day, the Defence informed the Chamber that Mr Bemba takes no position on the Request.¹¹

II. Analysis

7. The Chamber recalls that pursuant to Regulation 35(2) of the Regulations, it 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.
8. The Single Judge notes the LRV's two week mission to the CAR and accepts the logistics involved in the Legal Representatives' consultations with their clients for the reasons stated in the Request. In addition, the Single Judge notes the Legal Representatives' intention to file a joint submission, and accepts that this

⁶ Request, ICC-01/05-01/08-3641, paras 6, 8.

⁷ Request, ICC-01/05-01/08-3641, para. 9.

⁸ Email from Associate Legal Officer assisting the Chamber to Counsel and the TFV, 21 June 2018, 15:52.

⁹ Email from the TFV to the Chamber, 22 June 2018, 08:41.

¹⁰ Prosecution's observations on the request for additional time to make submissions on the reparations proceedings before Trial Chamber III, 25 June 2018, ICC-01/05-01/08-3643, para. 2.

¹¹ Email from the Defence to the Chamber, 25 June 2018, 15:24.

requires a greater level of coordination between them, which is complicated by their inability to meet before 27 June.

9. For the foregoing reasons, the Single Judge considers that good cause has been shown warranting an extension of the original deadline. However, one factor underlying the Request is that, according to the Legal Representatives, the issues required to be addressed by the Order are unprecedented before the Court. The Single Judge takes this opportunity to note that the purpose of the Order was to provide the parties and participants with a final opportunity to place matters on the record, if they so wished. Given this limited purpose, the Single Judge considers that an extension of one week is therefore sufficient in the circumstances.
10. The Single Judge further considers it appropriate, in the interests of consistency, to extend the same additional time to the Defence, the Prosecution and the TFV.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

PARTIALLY GRANTS the Request.

ORDERS the Legal Representatives, the Defence, the Prosecution and the TFV to submit the observations outlined in paragraph 2 of the Order by **6 July 2018**.

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



Judge Geoffrey Henderson
Single Judge

Dated this 26 June 2018

At The Hague, The Netherlands