

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **13 May 2019**

PRE-TRIAL CHAMBER II

Before: **Judge Antoine Kesia-Mbe Mindua, Presiding Judge**
 Judge Tomoko Akane
 Judge Rosario Salvatore Aitala

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF *THE PROSECUTOR V. JEAN-PIERRE BEMBA GOMBO*

Public

**Decision on Mr. Bemba's Request for Leave to Reply to Prosecution's Response and
Registry's Observations to Mr. Bemba's Claim for Compensation and Damages**

**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
Mr James Stewart, Deputy Prosecutor
Ms Helen Brady

Counsel for the Defence

Mr Peter Haynes
Ms Kate Gibson

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER II of the International Criminal Court hereby issues this decision on ‘Mr. Bemba’s Request for Leave to Reply to Prosecution’s response and Registry’s Observations to Mr. Bemba’s claim for compensation and damages (ICC-01/05-01/08-3680-Red and ICC-01/05-01/08-3681-Red3)’ (the ‘Request’).¹

1. On 14 March 2019, Pre-Trial Chamber II ordered the Registry to submit its observations on Mr. Bemba’s claim for compensation and damages (the ‘Claim’)² and allowed the Prosecutor to file its response to the Claim with both a time and page limit extension.³
2. On 6 May 2019, the Prosecutor⁴ and the Registry⁵ respectively filed their response to and observations on the Claim. On 8 May 2019, Mr. Bemba requested this Chamber to be granted leave to file a reply to the Prosecutor and the Registry’s submissions, no later than 10 June 2019 and with a variation of the page limit to 50 pages.⁶ On 10 May 2019, the Prosecutor opposed the Request.⁷
3. The Chamber, being aware of the novelty and complexity of several of the issues raised in these compensation proceedings, and noting that both the Prosecutor and the Registry raised new facts and information in their submissions, finds that there exist sufficient

¹ Mr. Bemba’s lawyers, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Mr. Bemba’s Request for Leave to Reply to Prosecution’s response and Registry’s Observations to Mr. Bemba’s claim for compensation and damages (ICC-01/05-01/08-3680-Red and ICC-01/05-01/08-3681-Red3), 8 May 2019, ICC-01/05-01/08-3682.

² Mr. Bemba’s lawyers, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Mr Bemba’s claim for compensation and damages, 7 March 2019, ICC-01/05-01/08-3673-Conf, with public annexes A, B, C, D and E, and confidential annexes F, G, H and I (a first public redacted version was filed on 11 March 2019, with public annexes A, B, C, D and E, and public redacted annexes F, G, H and I, later reclassified as confidential following Pre Trial Chamber II’s instructions dated 25 March 2019 (ICC-01/05-01/08-3673-Red-Conf); a second public redacted version was filed on 19 March 2019, with public annexes A, B, C, D and E, second public redacted annex F and public redacted annexes G, H and I, and confidential annex J (ICC-01/05-01/08-3673-Red2)).

³ Pre-Trial Chamber II, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Order on the conduct of the proceedings related to ‘Mr Bemba’s claim for compensation and damages’, 14 March 2019, ICC-01/05-01/08-3675.

⁴ Prosecutor, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Prosecution’s response to Mr Bemba’s claim for compensation and damages, 6 May 2019, ICC-01/05-01/08-3680-Conf-Exp, with confidential, ex parte, available only to the Prosecution and the Registry, Annex A (a public redacted version with public Annex A (ICC-01/05-01/08-3680-Red) and a confidential redacted version with public Annex A (ICC-01/05-01/08-3680-Conf-Red2) were filed on the same day).

⁵ Registry, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Registry’s Observations on the Defence Compensation Claim, 6 May 2019, ICC-01/05-01/08-3681-US-Exp, with under seal ex parte Annex I only available to the Registry, under seal ex parte Annex II only available to the Registry and the Prosecution and confidential ex parte Annex III only available to the Registry and the Defence (an under seal ex parte redacted version (ICC-01/05-01/08-3681-US-Exp-Red), a confidential ex parte redacted version (ICC-01/05-01/08-3681-Conf-Exp-Red2) and a public redacted version (ICC-01/05-01/08-3681-Red3) were filed on the same day; corrected versions of the Annexes were filed on 8 May 2019).

⁶ Request, paras 8, 12.

⁷ Prosecutor, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Prosecution’s Response to Mr Bemba’s Request for Leave to Reply, 10 May 2019, ICC-01/05-01/08-3683.

reasons to grant the Request. The Chamber underlines that the reply shall be limited to the new facts and information identified in the Request.

4. By the same token, the Chamber is not satisfied that these reasons are tantamount to exceptional circumstances that may justify an extension of the page limit up to 50 pages. Also, a six-week lapse of time to provide a reply would be excessive. Therefore, Mr. Bemba shall file a response not exceeding 20 pages and no later than 4 June 2019.
5. Additionally, according to rule 174(1) of the Rules of Procedure and Evidence, the Prosecutor shall have an opportunity to respond to Mr. Bemba's reply. The Chamber also finds it adequate for the Registry to be allowed to respond to the forthcoming Mr. Bemba's filing. Hence, both the Prosecutor and the Registry may file their responses not exceeding the 20-page limit and no later than 26 June 2019, if they so wish.
6. The Chamber emphasises that, in the interests of reasonable finality, no further submissions will be allowed in these proceedings.

FOR THESE REASONS, THE CHAMBER

PARTLY GRANTS the Request, allowing Mr. Bemba to file a reply not exceeding 20 pages and no later than 4 June 2019;

DECIDES that the Prosecutor and the Registry may file their responses to the abovementioned reply not exceeding 20 pages and no later than 26 June 2019, if they so wish.

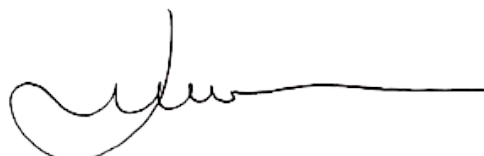
Done in both English and French, the English version being authoritative.



Judge Antoine Kesia-Mbe Mindua
Presiding Judge



Judge Tomoko Akane



Judge Rosario Salvatore Aitala

Dated this Monday, 13 May 2019

At The Hague, The Netherlands