

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **French**

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

Date: **19 July 2011**

THE APPEALS CHAMBER

Before: Judge Erkki Kourula, Presiding Judge
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Anita Ušacka
Judge Daniel David Ntanda Nsereko

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

Confidential

**Defence response to the 14 July 2011 application of the Legal Representative of
Victims, ICC-01/05-01/08-1602-Conf-Anx OA**

Source: Defence team for Mr Jean-Pierre Bemba Gombo

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

The Office of the Prosecutor

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Legal Representatives of the Victims

Zarambaud Assingambi

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar and Deputy Registrar

Silvana Arbia and Didier Daniel Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. On 29 June 2011, the Defence submitted its notice of appeal against Trial Chamber III's decision of 27 June 2011.¹
2. On 1 July 2011, the Defence filed its document in support of its appeal of 29 June 2011.²
3. On 14 July 2011, the Appeals Chamber authorised one of the Legal Representative of Victims to participate in the appellate proceedings instituted by the Defence. The Appeals Chamber granted the Legal Representative until 20 July to submit his observations.³
4. On 15 July 2011, the Legal Representative of Victims filed an application for an extension of the time limit and for provision of the French version of the Defence's document in support of its appeal.⁴

II. Defence submissions

5. The Defence's first submission is that the application of the Legal Representative of Victims should be denied *in limine* as it is without legal basis.
6. Regulation 39(1) of the Regulations of the Court provides that parties may submit their filings in one of the working languages of the Court, *viz* English or French. This provision does not require parties to file their applications

¹ ICC-01/05-01/08-1573-Conf OA7: "Notification d'Appel de la Défense contre la décision de la Chambre de Première Instance III du 27 Juin 2011 intitulée "Decision on Applications for Provisional Release".

² ICC-01/05-01/08-1586-Conf – OA7 – "Document in support of Defence Appeal against Trial Chamber III's decision on Applications for Provisional Release, dated 27 June 2011".

³ ICC-01/05-01/08-1597-Conf OA7: *Decision on the Participation of Victims in the Appeal against the "Decision on Applications for Provisional Release" of Trial Chamber III.*

⁴ ICC-01/05-01/08-1602-Conf + Anx OA7 – "Requête aux fins de communication de la version française du document d'appel de la défense, ainsi que de la décision d'appel du 14 juillet 2011 et subséquemment de prorogation du délai de dépôt des observations du Représentant légal soussigné", 15 July 2011.

simultaneously in the Court's two working languages. However, parties are required to translate their filings if they are neither in English nor in French.

7. In the case in point, the Defence filed the document in support of its appeal in a working language of the Court, that is, English, in accordance with regulation 39(1) of the Regulations of the Court.
8. Accordingly, the application of the Legal Representative of Victims for the Defence to produce the French version of this filing is wholly without basis and should be rejected *in limine*.
9. The Defence would like to emphasise that there is no other provision in the Court's legal instruments (the Statute, the Rules of Procedure and Evidence and the Regulations of the Court) that would compel it to translate its filings into a language desired by a legal representative of victims if the Defence has already filed in one of the working languages of the Court.
10. Moreover, the Defence submits that the Legal Representative's request for an extension of the time limit must be denied because he has failed to show the good cause required under regulation 35(2) of the Regulations of the Court to justify the requested extension.
11. The filing of a document in one of the Court's working languages cannot be a valid ground for seeking an extension of the time limit under regulation 35(2). The Legal Representative of Victims has never sought to be provided with the French version of the Appeal Chamber's decision inviting him to submit his application for participation in the appeal proceedings instituted by the Defence, nor has he done so for the decision granting him leave to participate in the appeal, although both decisions were notified in English. It is for the Legal Representative to organise his team, as happens with all the other teams

acting before the Court, so as to deal with any document filed before the Court under regulation 39(1) of the Regulations.

For these reasons,

12. The Defence prays the Appeals Chamber:

- to deny the Legal Representative's application seeking to be provided with the French version of the Defence filing of 1 July 2011 for lack of legal basis for such a request; and
- to deny the Legal Representative's application for an extension of time for lack of good cause to justify such a request as required by regulation 35(2) of the regulations of the Court.

[signed]

Aimé Kilolo Musamba
Associate Counsel

Dated this 19 July 2011

At The Hague, The Netherlands