



Original: **French**

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

Date: **15 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
with confidential Annex 1**

**Application for provision of the French version of the Defence's appeal document
and the appeal decision of 14 July 2011, and for an extension of time for the
undersigned Legal Representative to file his observations**

Source: Mr Zarambaud Assingambi, Legal Representative of Victims

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

The Office of the Prosecutor

Ms Petra Kneuer

Counsel for the Defence

Mr Nkwebe Liriss

Legal Representatives of the Victims

Mr Assingambi Zarambaud

Ms Marie-Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Sylvana Arbia

Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. PROCEDURAL BACKGROUND

1. On 29 June 2011, the undersigned Legal Representative received, in French, the "*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 provisionnal release'*".
2. On 1 July 2011, the Legal Representative received notification, in English, of the "Document of Defence appeal against Trial Chamber III's decision on applications of provisionnal release, dated 27th of June 2011".
3. On 6 July 2011, the Legal Representative filed an application for participation in the appellate proceedings.
4. On 14 July 2011, the Legal Representative was notified, in English, of the *Decision of the participation of victims in the Appeal against the "Decision on applications for Provisionnal release" of Trial Chamber III* authorising the Legal Representative to participate in the appeal proceedings.
5. That same day, the Legal Representative requested the Defence to provide him with the French version of its "Document of Defense Appeal" of 1 July 2011.
6. In an e-mail in reply on the same day, 14 July, the Legal Representative received the following response: "The Defence does not have the French version of the said submission because it was drafted in English for reasons of expeditiousness of the proceedings before the Appeals Chamber."

II. REQUESTS FOR PROVISION

A. THE APPEALS CHAMBER DECISION OF 14 JULY 2011

7. The provision of this decision should not be problematic because the aim is not to ensure that the decision is translated, which could indeed be time-consuming – although any document in the case of *The Prosecutor v. Jean-Pierre Bemba* should exist both in English and in French – but merely to obtain the existing French version.
8. The said decision states *in fine*: “Done in both English and French, the English version being authoritative”.
9. It goes without saying that the phrase “the English version being authoritative” in no way excludes the stated existence of the French version, but simply means that in case of inconsistency in the two versions, the English version is authoritative.
10. In any event, an issue of principle would otherwise arise: is the translation into the two languages a result-based obligation or merely a means-based obligation?
11. In general, obtaining French versions of decisions is problematic owing to, it would seem, a heavy workload.

III. THE “DOCUMENT OF DEFENSE APPEAL”

12. It is, at the very least, surprising that the Defence, which has so far notified all its documents to the Legal Representative in French, should suddenly change its approach for a reason known only to it, and provide this document in English on the pretext of “expeditiousness of the proceedings before the Appeals Chamber”.

13. In particular, it is even more surprising that, having filed its notice of appeal in French, the Defence filed its document in support in English.

14. Did the Defence not fear that in so doing, instead of saving time, as it claims, it would lose time?

IV. REQUEST FOR EXTENSION OF TIME

15. For the proper administration of justice, which the Appeals Chamber seeks to protect, and in order to allow victims to present their views and concerns in full knowledge of the facts, the Appeals Chamber is respectfully requested:

- to cause the French version of its 14 July 2011 decision to be provided by the relevant services to the Legal Representative; and
- to instruct the Defence of Mr Jean-Pierre Bemba to provide, within the time limit the Appeals Chamber considers appropriate, the Legal Representative with the "Document in support of Defence Appeal against Trial Chamber III's decision on Applications for provisionnal release, dated 27 June 2011".

16. In light of the foregoing, to grant the Legal Representative an extension of time to prepare his appeal submission.

[signed]

Mr Assingambi Zarambaud

Dated this 15 July 2011

At The Hague, The Netherlands