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

Date: 07/12/2011

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
THE PROSECUTOR
*v. Jean-Pierre Bemba Gombo***

Public

**Defence Request for an Extension of Time for the Filing of Submissions on the
18th Transmission of 350 victims' applications**

Source: Defence for Mr. Jean-Pierre Bemba Gombo

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

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A. BACKGROUND

1. On 9 September 2011, the Chamber informed the parties that VPRS had indicated that an additional 2,830 applications for participation as victims in the proceedings would be filed over the coming months.¹ The Chamber noted that “the preparation of observations on these applications places a heavy burden on the parties.”²

2. The Chamber put in place a regime for the transmission of these additional 2,830 victims’ applications to the parties. It was decided that they would be transmitted in nine sets of 200 to 350 applications.³

3. On 18 November 2011, the Defence received the *Sixteenth transmission to the parties and the legal representatives of the applicants of redacted versions of applications for participation in the proceedings*,⁴ whereby 350 victims’ applications were transmitted to the parties. The Defence calculates that observations on these 350 applications are due on 12 December 2011.

4. Ten days later, on 28 November 2011, the Defence received the *Seventeenth transmission to the parties and the legal representatives of the applicants of redacted versions of applications for participation in the proceedings*,⁵ whereby 175 additional applications were transmitted to the parties. The Defence calculates that observations on these 175 applications are due on 20 December 2011, being after the start of the winter judicial recess which commences on 19 December 2011.

5. Four days later, on 2 December 2001, the Defence received the *Eighteenth transmission to the parties and the legal representatives of the applicants of redacted versions*

¹ ICC-01/05-01/08-1726, para. 3.

² ICC-01/05-01/08-1726, para. 6.

³ ICC-01/05-01/08-1726, para. 3.

⁴ ICC-01/05-01/08-1923.

⁵ ICC-01/05-01/08-1958.

of applications for participation in the proceedings,⁶ whereby 350 more applications were transmitted to the parties. The Defence calculates that observations on these 350 applications are due on 27 December 2011, being 8 days after the start of the winter judicial recess.

6. As such, the Defence is currently reviewing and preparing observations on 875 victims' applications, while concurrently hearing and examining the Prosecution military expert, CAR-OTP-WWWW-0219.

B. APPLICABLE LAW

7. Regulation 35 of the Regulations of the Court ("Regulations") governs the variation of time limits, and provides:

1. Applications to extend or reduce any time limit as prescribed in these Regulations or as ordered by the Chamber shall be made in writing or orally to the Chamber seized of the matter setting out the grounds on which the variation is sought.
2. 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. After the lapse of a time limit, an extension of time may only be granted if the participant seeking the extension can demonstrate that he or she was unable to file the application within the time limit for reasons outside his or her control.

8. Prior to the judicial winter recess in 2010, the Presiding Judge in the present proceedings stated as follows:⁷

As you will be aware, the judicial recess begins 18 December 2010 up to and including 9 January 2011. This recess is not only to allow Judges and Chamber staff a break, but also for counsel. During the course of the recess, of course, the Judges will deal with all matters of real urgency, but we wish to make it clear that we intend to take some vacation and that there is no point in the parties and participants in putting filings, expecting early responses to matters which are essentially routine. Pursuant to Regulation 19(b)(2) of the Regulations of the Court, the Chamber will of course not schedule hearings during the recess unless a matter of real urgency arises. If any decisions are issued during the course of the recess, **time limits will remain suspended**, which will be an advantage to the parties and the participants as it will give you longer to consider them than you

⁶ ICC-01/05-01/08-1979

⁷ ICC-01/05-01/08-T-43-Red-ENG WT 03-12-2011 31/35 PV T

would otherwise have had. We do not see that this will cause any material inconvenience. On the contrary.

9. The practice of suspending time limits over the judicial recess has also been observed in other cases.⁸

C. SUBMISSIONS

10. Even with the consistent and considerable support of the Office of Public Counsel for the Defence, the Defence respectfully submits that drafting observations on hundreds of victims' applications during the winter judicial recess will place an unreasonably heavy burden on the Defence. This is particularly so given that the judicial recess is the period which the Defence was intending to use for the ongoing preparation of its own case.

11. As such, the Defence respectfully seeks a variation of the time limit by which the Defence must submit its observations on the last batch of 350 victims' applications until after the winter judicial recess.

D. RELIEF SOUGHT

12. For the above reasons, the Defence requests that the Chamber:

VARY the time limit by which the Defence must file observations on the *Eighteenth transmission to the parties and the legal representatives of the applicants of redacted versions of applications for participation in the proceedings*,⁹ until 20 January 2011.

⁸ See, for example, T. 77-78 ICC-01/04-01/07-T-173-Red-ENG WT 15-07-2010.

⁹ ICC-01/05-01/08-1979.



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Done at The Hague, the Netherlands

7 December 2011