

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13

Date: 1 April 2015

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuca
Judge Bertram Schmitt

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF
THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA WANDU
and NARCISSE ARIDO

Public

**Decision on Requests for Further Extension of Time Submitted by Arido Defence
and Babala Defence**

Decision 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 Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda Kabongo

Mr Christopher Gosnell

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Göran Sluiter

Legal Representatives of Victims

Legal Representatives of 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 Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Others
Section**

Trial Chamber VII (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, having regard to 35 of the Regulations of the Court (the ‘Regulations’), renders this ‘Decision on Requests for Further Extension of Time Submitted by Arido Defence and Babala Defence’.

I. Procedural history and submissions

1. On 23 February 2015, the Chamber issued an order seeking submissions in preparation of the first status conference, instructing the parties to file written observations on potential issues for the status conference by 20 March 2015 (‘Order for Submissions’).¹
2. On 4 March 2015, the defence teams filed a joint request for an extension of the deadline until 13 April 2015 (‘13 April Deadline’),² which was granted by the Chamber.³
3. On 26 March 2015, defence counsel for Mr Arido (‘Current Counsel’) filed a request for leave to withdraw from the case.⁴ The Chamber granted leave, specifying that the withdrawal shall only take effect once new counsel has been appointed.⁵
4. On 30 March 2015, the defence team for Mr Arido (‘Arido Defence’) filed a further request for extension of time limit of the 13 April Deadline (‘Request’).⁶

¹ Order seeking submissions in advance of first status conference, ICC-01/058-01/13-824, notified on 24 February 2015.

² Joint Defence Request for an extension of the time limit to file observations on the agenda for the status conference (ICC-01/05-01/13-824), ICC-01/05-01/13-831.

³ Email sent by a Legal Officer of the Chamber via Trial Chamber VII Communications, on 10 March 2015, at 10:45.

⁴ Request for Leave to Withdraw as Lead Counsel Pursuant to Regulation 78 (1) of the Regulations of the Court, ICC-01/05-01/13-875, notified on 27 March 2015.

⁵ Decision on Request for Leave to Withdraw as Lead Counsel Pursuant to Regulation 78(1) of the Regulations of the Court, 27 March 2015, ICC-01/05-01/13-878, para. 3.

⁶ Arido Defence’s Request for an Extension of the Time Limit to File Observations on the First Status Conference’s Agenda (ICC-01/05-01/13-842), ICC-01/05-01/13-881, notified on 31 March 2015.

It submits that it is in the process of preparing submissions further to the Order for Submissions. However, in order to provide new counsel with the opportunity to provide his or her views on these matters once the change of counsel is completed, the Arido Defence requests a further extension of the deadline until either (i) 14 days from the day new counsel is appointed or (ii) 14 days from the 13 April Deadline, whichever is later.⁷ Further, it requests that the extension of time is also applied to the other defence teams in order to permit joint submissions.⁸

5. On 31 March 2015, the defence team for Mr Babala ('Babala Defence') filed a joinder to the Request (collectively, the 'Requests').⁹
6. To date, no new counsel has been appointed by Mr Arido.

II. Analysis

7. The Chamber notes that Current Counsel is still representing Mr Arido since new counsel has yet to be appointed. It is therefore incumbent on him to maintain all necessary preparations for the defence of Mr Arido, until new counsel is appointed.
8. The Chamber further notes that it has already granted an extension of time to all defence teams. Moreover, both the Arido Defence and the Babala Defence have indicated that the defence teams have already embarked upon finding a common position on several issues which are indicated in the Order for Submissions.¹⁰

⁷ Request, ICC-01/05-01/13-881, paras 7-12.

⁸ Request, ICC-01/05-01/13-881, para. 13.

⁹ Adjunction de la Défense de M. Fidèle BABALA WANDU à « Arido Defence's Request for an Extension of the Time Limit to File Observations on the First Status Conference's Agenda (ICC-01/05-01/13-824) » (ICC-01/05-01/13-881), ICC-01/05-01/13-884 ('Babala Joinder').

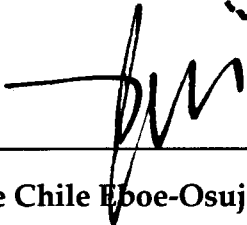
¹⁰ Request, ICC-01/05-01/13-881, para.7; Babala Joinder, ICC-01/05-01/13-884, para. 6.

9. The Chamber does not consider that the arguments advanced by the Arido Defence constitute 'good cause' for an extension pursuant to Regulation 35 of the Regulations of the Court. Once new counsel has been appointed by Mr Arido, he or she can rely on the preparation and work of Current Counsel. At this point in time, it is speculation as to whether new counsel will disagree with the positions taken by Current Counsel. In order to fulfil its obligation pursuant to Rule 132(1) of the Rules of Procedure and Evidence to hold a status conference 'promptly after it is constituted' in order to set the date of the trial, the Chamber does not consider that there it is beneficial to further extend the deadline for filing submissions.
10. The Chamber also considers that the rights of the accused set out in Article 67 of the Rome Statute are sufficiently respected. New counsel may always make additional oral submissions during the status conference itself, in case he or she considers it necessary to clarify or modify the defence's position.

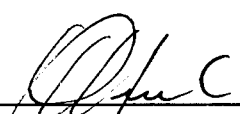
FOR THE FOREGOING REASONS THE CHAMBER HEREBY

REJECTS the relief sought in the Requests.

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



Judge Chile Eboue-Osuji, Presiding



Judge Olga Herrera Carbuccion



Judge Bertram Schmitt

Dated 1 April 2015

At The Hague, The Netherlands