

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 May 2015

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
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 Upcoming Submissions Related to Elements of Article 70 and Modes of
Liability**

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 Charles Achaleke Taku

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 Section

Others

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 Regulations 35 and 37 of the Regulations of the Court (the ‘Regulations’), issues the following ‘Decision on Upcoming Submissions Related to Elements of Article 70 and Modes of Liability’.

1. On 24 April 2015, the Chamber directed the five accused (collectively, the ‘Defence’) to make written submissions on the elements of Article 70 offences and the applicable modes of liability by 31 May 2015 (the ‘Submissions’).¹
2. On 11 May 2015, the Defence requested that the deadline to file the Submissions be suspended until after the Defence teams receive an updated Document Containing the Charges (‘UDCC’).²
3. On 27 May 2015, the defence team for Mr Arido (the ‘Arido Defence’) requested a 20 page extension for the Submissions, citing to the number, complexity and novelty of the issues presented.³ The Prosecution responded to this request on 28 May 2015, taking no position on it.⁴
4. The Chamber considers it unnecessary to receive further responses to these requests before ruling on them.
5. The Chamber does not consider the requested suspension to be justified. The proper purpose of any auxiliary document is not to change the legal characterisation of facts beyond the parameters of the confirmation decision – the only way such changes could be made before a Trial Chamber is by applying

¹ Transcript of Hearing, 24 April 2015, ICC-01/05-01/13-T-8-CONF-ENG, page 6 lines 12-18. With the end of May 2015 falling on a weekend, these submissions are accordingly expected by the filing deadline on 1 June 2015.

² Observations conjointes des équipes de défense suite à la Première conférence de mise en état et requête afin de fixer certains délais (ICC-01/05-01/13-T-8-Conf-FRA), 11 May 2015, ICC-01/05-01/13-940-Conf, paras 40-41 and last item of relief sought.

³ Narcisse Arido’s Request for an Extension of the Page Limit for Submissions Regarding the Elements of Article 70 Offences and Modes of Liability Pursuant to the Order given at the Status Conference of 24 April 2015 (ICC-01/05-01/13-T-8-Conf-ENG), 26 May 2015, ICC-01/05-01/13-965 (notified 27 May 2015).

⁴ Prosecution’s Response to Narcisse Arido’s Request for an Extension of the Page Limit for Submissions Regarding the Elements of Article 70 Offences and Modes of Liability, 28 May 2015, ICC-01/05-01/13-967.

Regulation 55 of the Regulations. There is therefore no proper cause to make the Submissions conditional on auxiliary documents being ordered.⁵

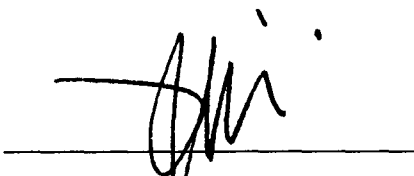
6. The Chamber also rejects the Arido Defence request for an extension of pages. The Chamber is already aware of the legal issues arising from this case, and these issues will be discussed across the entire proceedings. The Chamber will seek further submissions from the parties as appropriate – it does not require extended submissions now.

THE CHAMBER HEREBY

REJECTS the Defence request for a suspension of deadline; and

REJECTS the Arido Defence request for an extension of the page limit.

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



Judge Chile Eboe-Osuji, Presiding



Judge Olga Herrera Carbuccia



Judge Bertram Schmitt

Dated 28 May 2015

At The Hague, The Netherlands

⁵ As for the remainder of the relief sought in ICC-01/05-01/13-940-Conf and whether auxiliary documents of any kind will be ordered in the present case, these matters will be addressed in a separate decision.