

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 15 July 2015

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***

Confidential

**Decision on "Demande d'autorisation de répliquer à la Réponse de la Défense
concernant la «Requête relative à la reprise des actions introduites devant la
Cour par des victimes décédées»"**

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 Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Ms Melinda Taylor

Legal Representatives of the Victims

Ms Marie-Edith Douzima Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber III ("Chamber") of the International Criminal Court ("Court"), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* ("Bemba case"), issues the following Decision on "Demande d'autorisation de répliquer à la Réponse de la Défense concernant la «Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées»" ("Decision").

1. On 18 June 2015, Maître Marie-Edith Douzima-Lawson, the legal representative of victims ("Legal Representative"), filed her "Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées" ("Request"), together with nine confidential *ex parte* annexes ("Supporting Documentation").¹ In her Request, the Legal Representative requests that the Chamber (i) authorise the continued participation of nine deceased victims in the proceedings in the *Bemba* case, through the persons mandated by the family members of the deceased to continue the actions originally initiated by the deceased victims; and (ii) order protective measures necessary to maintain the confidentiality of all elements of identification of the deceased victims in relation to the public, as well as the identities and places of residence of the family members of the deceased and the places of residence of the mandated persons, in relation to the parties and the public.²
2. On 6 July 2015, the Defence for Mr Jean-Pierre Bemba Gombo ("Defence") filed its "Defence Response to 'Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées'" ("Defence

¹ Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées, 18 June 2015 (notified on 19 June 2015), ICC-01/05-01/08-3256-Conf and Conf-Exp-Anxs1 to 9.

² ICC-01/05-01/08-3256-Conf, page. 13.

Response”),³ in which it requests that the Chamber (i) order “the provision of the [Supporting Documentation] to the parties, and authorise the making of further submissions upon receipt of this material”; and (ii) order the Legal Representative “to liaise with those victims who did not oppose their identities being disclosed to the Defence, and provide disclosure of unredacted versions of their application forms once confirmation is obtained”.⁴

3. The Office of the Prosecutor did not file any response to the Request.
4. On 14 July 2015, the Legal Representative filed her “Demande d’autorisation de répliquer à la Réponse de la Défense concernant la «Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées»”⁵ (“Request for Leave to Reply”), in which she seeks leave to reply in relation to: (i) the Defence’s request for provision of Supporting Documentation; and (ii) the Defence’s submissions concerning the requirements for the continuation of actions of the deceased victims by their heirs.⁶
5. The Chamber is of the view that it may benefit from the Legal Representative’s views on the issues set out in her Request for Leave to Reply. The Chamber reminds the Legal Representative that the reply must

³ Defence Response to ‘Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées’, 6 July 2015, ICC-01/05-01/08-3263-Conf.

⁴ ICC-01/05-01/08-3263-Conf, para. 28.

⁵ Demande d’autorisation de répliquer à la Réponse de la Défense concernant la ‘Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées’, 14 July 2015 (notified on 15 July 2015), ICC-01/05-01/08-3267-Conf.

⁶ ICC-01/05-01/08-3267-Conf, paras 6 to 12, and page 6.

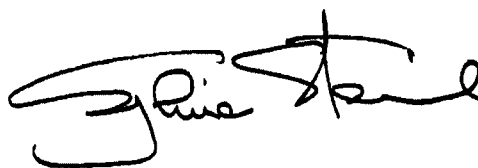
be narrowly tailored to only address new issues raised in the Defence Response.

6. Additionally, in light of the fact that the Defence Response is 11 pages long, and noting the specific issues on which the Legal Representative seeks leave to reply, the Chamber considers, pursuant to Regulation 37(1) of the Regulations of the Court ("Regulations"), that it is appropriate that the Legal Representative's reply be limited to no more than 11 pages.

7. In view of the above, the Chamber hereby:

- a. GRANTS the Request for Leave to Reply, pursuant to Regulation 24(5) of the Regulations;
- b. ORDERS that the Legal Representative's reply be filed no later than 20 July 2015, pursuant to Regulation 34(c) of the Regulations; and
- c. ORDERS that the Legal Representative's reply not exceed 11 pages, pursuant to Regulation 37(1) of the Regulations.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 15 July 2015

At The Hague, the Netherlands