



Original: English

**No. ICC-01/05-01/08 A 2 A 3
Date: 1 September 2016**

THE APPEALS CHAMBER

Before: Judge Christine Van den Wyngaert, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Chile Eboe-Osuji
Judge Piotr Hofmański

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO

Public document

**Decision on Mr Jean-Pierre Bemba Gombo's request for an extension of time for
the filing of his document in support of the appeal**

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Ms Helen Brady

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Legal Representative of Victims

Ms Marie-Edith Douzima-Lawson

REGISTRY

Registrar

Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeals of the Prosecutor and Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III entitled “Decision on Sentence pursuant to Article 76 of the Statute” of 21 June 2016 (ICC-01/05-01/08-3399),

Having before it the “Appellant’s request for an extension of the time limit to file his document in support of appeal against the Decision on Sentence” of 16 August 2016 (ICC-01/05-01/08-3424),

Renders pursuant to regulation 35 (2) of the Regulations of the Court the following

DECISION

1. The time limit for the filing of the document in support of the appeal by Mr Jean-Pierre Bemba Gombo is extended by 30 days.
2. The time limit for the filing of the document in support of the appeal by the Prosecutor is also extended by 30 days.

REASONS

I. PROCEDURAL HISTORY

1. On 21 March 2016, Trial Chamber III (“Trial Chamber”) delivered the “Judgment pursuant to Article 74 of the Statute”¹ (“Conviction Decision”).
2. On 4 April 2016, Mr Jean-Pierre Bemba Gombo (“Mr Bemba”) filed an appeal against the Conviction Decision.²
3. On 15 April 2016, the Appeals Chamber extended to 19 September 2016 Mr Bemba’s time limit for the filing of his document in support of the appeal against the Conviction Decision.³

¹ [ICC-01/05-01/08-3343](#).

² “Defence Notice of Appeal against the Judgment pursuant to Article 74 of the Statute, ICC-01/05-01/08-3343”, [ICC-01/05-01/08-3348](#) (A).

4. On 21 June 2016, the Trial Chamber delivered the “Decision on Sentence pursuant to Article 76 of the Statute”⁴ (“Sentencing Decision”).

5. On 22 July 2016, the Prosecutor and Mr Bemba filed appeals against the Sentencing Decision.⁵

6. On 16 August 2016, Mr Bemba filed a request for an extension of the time limit prescribed in regulation 58 of the Regulations of the Court (“Regulations”) for the filing of his document in support of his appeal against the Sentencing Decision by an additional 30 days (“Extension Request”).⁶

7. On 24 August 2016, the Appeals Chamber issued an order setting a time limit for the Prosecutor’s response to Mr Bemba’s Extension Request by midday on 26 August 2016.⁷

8. The Prosecutor did not file a response.

II. MERITS

9. Regulation 58 (1) of the Regulations provides that “the appellant shall file a document in support of the appeal within 90 days of notification of the relevant decision”. Pursuant to regulation 35 (2) of the Regulations, a “Chamber may extend or reduce a time limit if good cause is shown [...]”.

10. Mr Bemba requests that the 90 day time limit for the filing of his document in support of his appeal against the Sentencing Decision be extended by 30 days, submitting that there is good cause to grant that extension. He states that he is “content that any extension should similarly be granted to the Prosecution”.⁸ Mr Bemba points out that he is currently required to file the document in support of

³ “Decision on Mr Bemba’s request for an extension of time for the filing of his document in support of the appeal”, 15 April 2016, [ICC-01/05-01/08-3370](#) (A) (“Decision on Extension of Time”).

⁴ [ICC-01/05-01/08-3399](#).

⁵ “Prosecution’s Notice of Appeal against Trial Chamber III’s ‘Decision on Sentence pursuant to Article 76 of the Statute’”, 22 July 2016, [ICC-01/05-01/08-3411](#) (A 2); “Defence Notice of Appeal against Decision on Sentence pursuant to Article 76 of the Statute, ICC-01/05-01/08-3399”, 22 July 2016, [ICC-01/05-01/08-3412](#) (A 3).

⁶ “Appellant’s request for an extension of the time limit to file his document in support of appeal against the Decision on Sentence”, [ICC-01/05-01/08-3424](#) (A 3).

⁷ “Order on the filing of a response by the Prosecutor to Mr Jean-Pierre Bemba Gombo’s request for an extension of time for the filing of his document in support of the appeal”, 24 August 2016, [ICC-01/05-01/08-3428](#) (A 3).

⁸ Extension Request, para. 1.

his appeal against the Sentencing Decision by 20 September 2016, being only one day after the deadline for the filing of the document in support of his appeal against the Conviction Decision.⁹ He submits that, given the complexity of the issues raised in the Conviction Decision, the defence team “has been driven to allocate the majority of its resources (and the time available) to drafting the Conviction Appeal Brief”.¹⁰ Mr Bemba submits that, if the requested extension is not granted, the defence team will need to “direct resources away from the Conviction Appeal Brief in this critical and final phase of drafting”,¹¹ thereby raising “considerations of equality” as the Prosecutor’s “resources can be directed solely towards the drafting of [her] Sentencing Appeal Brief”.¹² Mr Bemba further submits that the issues to be addressed in his appeal are novel and complex, including the issue of “[t]he nature of a commander’s culpability and the concomitant impact on sentencing”.¹³ It is also submitted that the requested extension would assist the defence team in taking meaningful instructions from Mr Bemba, who is yet to be provided with the Sentencing Decision in a language that he fully understands and speaks.¹⁴

11. The Appeals Chamber notes Mr Bemba’s submission that the current schedule requires him to file the document in support of his appeal against the Sentencing Decision no later than on the day after the expiry of the time limit for the filing of the document in support of his appeal against the Conviction Decision. The Appeals Chamber also notes its previous decisions extending the time¹⁵ and page¹⁶ limits of Mr Bemba’s document in support of his appeal against the Conviction Decision, and that those decisions were based on, *inter alia*, the anticipated factual and legal complexity of that appeal.¹⁷

12. The Appeals Chamber considers that the requested extension is reasonable and proportionate in the context of the current filing schedule, the anticipated scope and complexity of Mr Bemba’s appeals against the Conviction Decision and Sentencing

⁹ Extension Request, para. 9.

¹⁰ Extension Request, para. 13.

¹¹ Extension Request, para. 14.

¹² Extension Request, para. 15.

¹³ Extension Request, para. 13.

¹⁴ Extension Request, para. 16.

¹⁵ Decision on Extension of Time.

¹⁶ “Decision on Mr Bemba’s request for an extension of page limit for his document in support of the appeal”, 11 July 2016, [ICC-01/05-01/08-3405](#) (A) (“Decision on Page Limit”).

¹⁷ Decision on Extension of Time, para. 6; Decision on Page Limit, para. 10.

Decision, the practical allocation of resources between those appeals and the overall progression of the appeals process.

13. For the foregoing reasons, the Appeals Chamber considers that good cause has been shown warranting an extension of 30 days for the filing of Mr Bemba's document in support of the appeal.

14. Consequently, the Appeals Chamber deems it appropriate also to extend the time limit for the filing of the Prosecutor's document in support of her appeal against the Sentencing Decision by 30 days.

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



Judge Christine Van den Wyngaert
Presiding Judge

Dated this 1st day of September 2016

At The Hague, The Netherlands