

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 December 2017

TRIAL CHAMBER III

Before:

**Judge Joyce Aluoch, Presiding
Judge Geoffrey Henderson
Judge Chang-ho Chung**

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO

Public document

Observations on the legal representative of victim's further request for an extension of time

Source:

The Trust Fund for Victims

Document 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 Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes QC
Ms Kate Gibson

Legal Representative of Victims

Ms Marie-Edith Douzima-Lawson

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keita

REGISTRY

Registrar

Mr Herman von Hebel

Victims and Witnesses Unit

Mr Nigel Verril

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

I. Procedural History

1. On 2 June 2017, Trial Chamber III (“Trial Chamber”) issued a decision in which it, *inter alia*: 1) appointed experts in the reparations proceedings in the present case; 2) set the deadline for the filing of the expert report(s); 3) set the deadline for the legal representative of victims (“Legal Representative”), the Office of Public Counsel for Victims (“OPCV”), and the Defence to file any additional information they wished to have taken into account (“Additional Information Filing”); and 4) set the deadline for the participants, including the Trust Fund for Victims (“Trust Fund”) to file their responses to the expert report(s), the submissions of the other participants, including the Additional Information Filings, and any other last observations by 16 October 2017 (“Final Observations”).¹

2. On 30 August 2017, the Trial Chamber granted the appointed experts an extension of time to file their consolidated report by 20 November 2017 and set 18 December 2017 as the participants’ deadline for the filing of the Final Observations.²

3. On 8 November 2017, the Trial Chamber partially granted a Defence request for an extension of time, extending the deadline for the Additional Information Filing to 27 November 2017.³

4. On 20 November 2017, the appointed experts filed their joint expert report⁴ and, on 21 November 2017, the Trust Fund was notified of the redacted confidential version of the expert report.⁵

5. On 22 November 2017, following a further request from the Defence, the Trial Chamber granted the Defence request for an extension of time, setting the deadline for its Additional Information Filing and Final Observations to 31 January 2017, while maintaining the relevant deadlines for the other participants.⁶

¹ Public redacted version of “Decision appointing experts on reparations” 2 June 2017, [ICC-01/05-01/08-3532-Red](#).

² Public redacted version of “Decision on the request from the reparations experts for an extension of time for the submission of their joint report” 30 August 2017, [ICC-01/05-01/08-3559-Red](#).

³ Decision on the Defence request for an extension of time to file additional observations for reparations, [ICC-01/05-01/08-3569](#).

⁴ [ICC-01/05-01/08-3575](#).

⁵ ICC-01/05-01/08-3575-Conf-Anx-Red.

⁶ Decision on the Defence’s further request for a revision of the timetable for the filing of documents, [ICC-01/05-01/08-3576](#).

6. On 1 December 2017, after having been granted an extension of time,⁷ the Legal Representative and the OPCV submitted a joint Additional Information Filing.⁸

7. On 5 December 2017, the Legal Representative requested an extension of time until 5 February 2018 for the filing of her Final Observations (“Legal Representative’s Extension Request”).⁹

8. Also on 5 December 2017, the Trial Chamber invited, by way of an email communication,¹⁰ the participants to submit observations on the Legal Representative’s Extension Request by 12 December 2017.

9. The Trust Fund hereby submits the requested observations.

II. Observations on the Legal Representative’s Extension Request

10. The Trust Fund notes that the reason for the Defence’s previously granted requests for an extension of time, as well as the Legal Representative’s Extension Request, was (and is) the competing deadlines and unanticipated workloads due to the upcoming appellate proceedings in this case. In light of the Appeals Chamber’s briefing schedule and the subject matter of the appellate oral hearings, the Trust Fund would respectfully submit that this qualifies as good cause under regulation 35 (1) of the Regulations of the Court for an extension of time. While the Trust Fund is not a participant in the appellate proceedings in this case, it would request that any extension of time granted to the Legal Representative for the filing of its Final Observations also be extended to the Trust Fund.

11. In addition, the Trust Fund, for different reasons, also regrettably finds itself unable to meet the Trial Chamber’s 18 December 2017 deadline for the filing of its Final Observations.

12. In this regard, the Trust Fund would point out that, since the submission of the expert report and the Legal Representative and OPCV’s joint Additional Information Filing, the Trust Fund has been occupied with: 1) competing urgent deadlines, requiring the full attention

⁷ Decision on the Legal Representatives request for extension of time, [ICC-01/05-01/08-3580](#).

⁸ Soumissions conjointes des Représentants légaux des victimes d’éléments d’informations supplémentaires en vue de l’Ordonnance en réparation, [ICC-01/05-01/08-3581](#).

⁹ Demande d’extension de délai suivant « Decision on the Defence’s further request for a revision of the timetable for the filing of documents », ICC-01/05-01/08-3576, [ICC-01/05-01/08-3583](#).

¹⁰ Email communication sent by a legal officer of the Trial Chamber at 11.42.

of the majority of the Secretariat's staff, in other reparations proceedings;¹¹ 2) preparation for and participation in the Trust Fund's Board of Director's 16th annual meeting, which occurred on 4 and 5 December 2017 and at which several issues related to reparations at the Court were extensively deliberated and decided upon by the Board of Directors; 3) preparation for and participation in the 16th session of the Assembly of States Parties, during which the Trust Fund's Board of Directors engaged with Court officials, States Parties' delegations, and civil society organisations on matters important to reparations, which also required support from a significant number of the Trust Fund's staff.

13. Furthermore, the Trust Fund respectfully recalls that an internal review and approval process by its Board of Directors must take place before the Trust Fund's Secretariat may file any document before the Court and that this process takes at a minimum five working days. In this regard, the Trust Fund notes that its Board of Directors has been fully occupied over the past several weeks with its annual meeting and the 16th session of the Assembly of States Parties and has not had time to take note of, let alone carefully consider the filings in these reparations proceedings.

14. In the view of the Trust Fund, both the expert report and the Legal Representative and the OPCV's joint Additional Information Filing contain important insights and proposals regarding the Trial Chamber's anticipated order for reparations in the present case. These same proposals could also potentially have implications on the implementation of that order, with which the Trust Fund may be tasked.

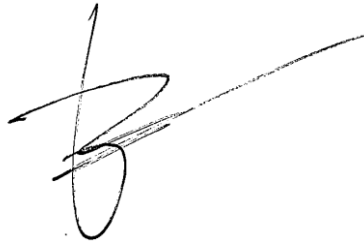
15. In brief, due to other competing obligations, neither the Trust Fund Secretariat nor its Board of Directors has been able to devote the necessary time to closely reviewing and considering the substance of these documents. The Trust Fund recalls that the Final Observations are meant to be the opportunity to make submissions on precisely these documents for the Trial Chamber to consider prior to issuing its order for reparations. The Trust Fund respectfully submits that, in order for it to make well considered and thoughtful Final Observations for the Trial Chamber's consideration, it needs more time for it and its Board of Directors to reflect on the submissions of the experts and other participants in these proceedings.

¹¹ See ICC-01/04-01/07-3768-Conf, ICC-01/04-01/07-3771-Conf, ICC-01/04-01/07-3772-Conf.

16. For the reasons set out above, the Trust Fund respectfully requests that it be included in any extension of time granted to the Legal Representative for the filing of its Final Observations or, in the alternative, submits that it has demonstrated good cause within the meaning of regulation 35 (1) of the Regulations of the Court for an extension of time for the filing of its Final Observations until at least 31 January 2018, i.e. the current deadline for the filing of the Defence Final Observations.

FOR THE FOREGOING REASONS

The Board of Directors respectfully submits these observations on the Legal Representative's further request for an extension of time.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 12 December 2017

The Hague, The Netherlands