



Original: English

No.: ICC-01/05-01/08
Date: 31 January 2018

TRIAL CHAMBER III

Before: Judge Joyce Aluoch, Presiding Judge
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

Public redacted version of “Decision on request for extension of deadline”

Order 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 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 Keita

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

Others

[REDACTED]

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, having regard to Regulation 35 of the Regulations of the Court (“Regulations”), issues the following “Decision on request for extension of deadline”:

1. On 22 December 2017, the Chamber issued an order regarding follow-up matters arising from the report of the experts appointed by the Chamber (“Appointed Experts”) filed 20 November 2017 (“Expert Report”),¹ in which it, *inter alia*, (i) directed the Appointed Experts to file, by 31 January 2018 either jointly or separately, an addendum to the Expert Report addressing the calculation of the scope of Mr Bemba’s liability for reparations (“Expert Addendum”), and (ii) invited observations, from [REDACTED] on the feasibility of implementing the types and modalities of reparations recommended in the Expert Report (“Feasibility Observations”).²
2. On 29 January 2018, following a request from the Appointed Experts,³ the Chamber extended, *inter alia*, the deadline for submission of the Expert Addendum, to 16 February 2018.⁴
3. On 29 January 2018, after notification of the abovementioned decision, the Chamber received an email from a representative of [REDACTED], attaching a document seeking an extension to file the Feasibility Submissions to at least one

¹ Annex to the Transmission of Experts’ Joint Report pursuant to Trial Chamber Decision ICC-01/05-01/08-3559-Red of 30 August 2017, ICC-01/05-01/08-3575-Conf-Exp-Anx. A second corrigendum to this version of the report was filed on 28 November 2017: ICC-01/05-01/08-3575-Conf-Exp-Anx-Corr2. A confidential redacted version of the report available to the Legal Representative of the Victims, the Office of Public Counsel for Victims, the Defence for Mr Bemba and the Trust Fund for Victims was filed on 21 November 2017: ICC-01/05-01/08-3575-Conf-Anx-Red. A corrigendum to this version of the report was filed on 28 November 2017: ICC-01/05-01/08-3575-Conf-Anx-Red-Corr. A public redacted version of the report was filed on 30 November 2017: ICC-01/05-01/08-3575-Anx-Corr2-Red.

² Order regarding follow-up matters arising from Expert Report ICC-01/05-01/08-3575-Anx-Corr2-Red, ICC-01/05-01/08-3588-Conf, p. 8. A public redacted version was filed on the same day: ICC-01/05-01/08-3588-Red.

³ Transmission of Request from the Reparations Experts for an Extension of Time for the Submission of their Joint Addendum to the Expert Report pursuant to ICC-01/05-01/08-3588-Conf, ICC-01/05-01/08-3600-Conf, with confidential annex.

⁴ Decision on requests for further amendments to the reparations timetable, ICC-01/05-01/08-3601-Conf. A public redacted version was filed on the same day: ICC-01/05-01/08-3601-Red.

week after the filing of the Expert Addendum (“Request”).⁵ The document notes the extension requested by the Appointed Experts for the Expert Addendum, and states that the Addendum “will contain information which will provide additional background and data for [REDACTED] to review and analyse”. The Request was later formally filed on 30 January 2018.⁶

4. Notwithstanding that the Request was not transmitted through the appropriate channels, and pending formal filing of the Request, the Chamber considered it in light of the impending 31 January deadline. On 30 January 2018, the Chamber issued a ruling by email rejecting the Request.⁷ The ruling and the reasons therefor, are placed on the record by way of this decision.
5. Pursuant to Regulation 35(2) of the Regulations, the Chamber may extend or reduce a time limit if good cause is shown, and, where appropriate, after having given the participants an opportunity to be heard.
6. The Chamber notes that [REDACTED] was invited in the 22 December order to file “observations on the feasibility of implementing the types and modalities of reparations [put forward in the Expert Report]”.⁸ As such, it has not been asked to comment on anything which will form part of the Expert Addendum, which is intended to address “the scope of Mr Bemba’s liability, including putting forward an amount for the sum-total of the harms caused by Mr Bemba and of the corresponding recommended reparations, or a range thereof”.⁹ It is also clear from the scheduling in the Chamber’s 22 December order that the Feasibility Observations were never intended to comment on the Expert Addendum, since those two filings were originally due on the same day. Accordingly, the Chamber does not consider there to be good cause to extend the deadline as requested.

⁵ Email from representative of [REDACTED] to Associate Legal Officer assisting the Chamber, 29 January 2018 at 12:22.

⁶ Transmission of Request from [REDACTED] for an Extension of Time for the Submission of Observations pursuant to ICC-01/05-01/08-3588-Conf, ICC-01/05-01/08-3602-Conf, with confidential annex.

⁷ Email from the Chamber to representative of [REDACTED], 30 January 2018 at 11:34.

⁸ ICC-01/05-01/08-3588-Red, p. 8 and para. 11.

⁹ ICC-01/05-01/08-3588-Red, p. 8 and para. 9.

7. Notwithstanding, should [REDACTED] have any additional observations arising from the Expert Addendum, it is welcome to file those within one week of the filing of the Expert Addendum.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

REJECTS the Request.

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

		
Judge Geoffrey Henderson	Judge Joyce Aluoch	
		
		Judge Chang-ho Chung

Dated this 31 January 2018

At The Hague, The Netherlands