

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 09 September 2011

**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**

**Public - URGENT**

**Decision setting a timeline for the filing of observations on pending victims'  
applications**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda, Deputy Prosecutor  
Ms Petra Kneuer, Senior Trial Lawyer

**Counsel for the Defence**

Mr Nkwebe Liriss  
Mr Aimé Kilolo Musamba

**Legal Representatives of the Victims**

Ms Marie Edith Douzima-Lawson  
Mr Assingambi Zarambaud

**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

Ms Fiona McKay

**Other**

Trial Chamber III (“Chamber”) of the International Criminal Court in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Decision setting a timeline for the filing of observations on pending victims’ applications.

1. On 21 July 2011, the Chamber issued its “Corrigendum to the Decision on 401 applications by victims to participate in the proceedings and setting a final deadline for the submission of new victims’ applications to the Registry” (“21 July 2011 Decision”), in which it (i) ruled on 401 applications by victims to participate in the proceedings and (ii) set 16 September 2011 as the final deadline for the submission to the Registry of any new victims’ applications for participation in the trial proceedings.<sup>1</sup>

2. By e-mail of 17 August 2011, the Chamber instructed the Victims Participation and Representation Section (“VPRS”) to provide (i) an update regarding the number of applications received by the VPRS to date and pending transmission to the Chamber; (ii) an estimate regarding the number of new applications expected to be submitted in light of the final deadline of 16 September 2011; and (iii) a proposal as to the timeline for the filing of applications with the Chamber.<sup>2</sup>

3. Further to these instructions, by e-mail of 26 August 2011, the VPRS (i) informed the Chamber that as many as 2830 applications are expected to be filed over the course of the following months; and (ii) proposed to file these applications with the Chamber on a rolling basis in nine sets of 200 to 350 applications and notify the parties of redacted forms of the applications for their observations. Specifically, it was suggested that these sets be filed on 9 September, 30 September, 21 October, 4 November, 18 November, 28 November,

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<sup>1</sup> Corrigendum to the Decision on 401 applications by victims to participate in the proceedings and setting a final deadline for the submission of new victims’ applications to the Registry, 10 July 2011, ICC-01/05-01/08-1590-Corr and its confidential ex parte annexes.

<sup>2</sup> Email of 17 August 2011 from the Assistant Legal Officer, Trial Division, to the Chief of the Victims Representation and Participation Section.

2 December and 16 December 2011 and 13 January 2012.<sup>3</sup>

4. The Chamber approved the proposed timeline by e-mail of 2 September 2011.<sup>4</sup>

5. In accordance with Article 21(1) of the Rome Statute (“Statute”), the Chamber has considered the following provisions of the Statute, the Rules of Procedure and Evidence (“Rules”) and the Regulations of the Court (“Regulations”): Article 68 of the Statute, Rules 89 of the Rules and Regulations 24, 34 (b) and 86 of the Regulations.

6. The Chamber is aware that the preparation of observations on these applications places a heavy burden on the parties. In this regard, the Chamber recalls its 21 July 2011 Decision, in which it held that “the Chamber will put into place a schedule for the filing of future applications [which] ensures compliance with the requirement under Article 68(3) of the Statute that victims’ rights to have their views and concerns presented in the proceedings are reconciled with the rights of the accused and a fair and impartial trial.”<sup>5</sup>

7. In accordance with this precedent, in relation to the forthcoming sets of applications, the Chamber decides that it will apply the 21-day timeline for the parties to respond pursuant to Regulation 34(b) of the Regulations. In addition, in line with the oral Decision of 30 September 2010<sup>6</sup>, the Office of Public Counsel for the Defence (“OPCD”) is instructed to continue to assist the defence with the observations on the forthcoming sets of applications.

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<sup>3</sup> Email of 26 August 2011 from the Chief of the Victims Representation and Participation Section to the Assistant Legal Officer, Trial Division.

<sup>4</sup> Email of 2 September 2011 from the Assistant Legal Officer, Trial Division, to the Chief of the Victims Representation and Participation Section.

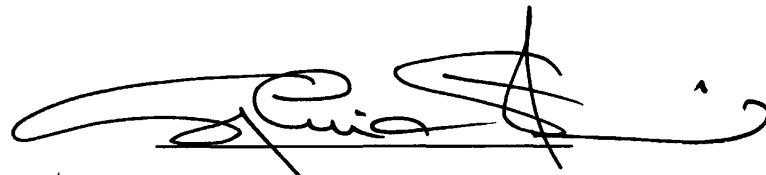
<sup>5</sup> ICC-01/05-01/08-1590-Corr, Paragraph 24.

<sup>6</sup> Transcript of hearing on 30 September 2010, ICC-01/05-01/08-T-27-CONF-EXP-ENG ET, page 20, line 23 to page 21, line 1.

8. For these reasons, the Chamber hereby

- (a) ORDERS the Office of the Prosecutor and the defence to submit their observations on the forthcoming sets of victims' applications within 21 days of notification in accordance with Regulation 34(b) of the Regulations;
- (b) ORDERS the OPCD to continue to assist the defence with the observations on the forthcoming sets of redacted victims' applications;
- (c) INSTRUCTS the Registry to notify the OPCD of any upcoming sets of redacted victims' applications.

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



**Judge Sylvia Steiner**



**Judge Joyce Aluoch**



**Judge Kuniko Ozaki**

Dated this 9 September 2011

At The Hague, The Netherlands