

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 31 July 2008

PRE-TRIAL CHAMBER III

Before: Judge Fatoumata Dembele Diarra (Presiding Judge)
Judge Hans-Peter Kaul
Judge Ekaterina Trendafilova

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
v. JEAN-PIERRE BEMBA GOMBO**

URGENT

Under Seal

Ex Parte, Prosecutor only

Motion for extension of time

Source: The Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence of Jean-Pierre Bemba

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

**Registrar
Ms Silvana ARBIA**

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Introduction

1. In its decision of 23 July 2008, Pre-Trial Chamber III ordered the Prosecution to submit by 31 July 2008, a proposal for redactions on the Prosecutor's Application and the Prosecutor's Further Submission with their respective annexes, substantiated properly with the applicable standards as summarized and developed in the Decision concerning the Prosecutor's proposals for redactions.¹
2. Pursuant to Regulation 35(2), the Prosecution hereby requests an extension of time of one day for the re-submission of the Prosecutor's proposal.

Discussion

3. The Prosecution appreciates the Pre-Trial Chamber's efforts to deal with the Prosecution's Request for Redactions expeditiously.² However, the Prosecution submits that in light of the fact intensity and complexity of the issue at hand and the importance of the proposed redactions to the security of witnesses, the Prosecution is unable to file the document in question within the time provided by the Pre-Trial Chamber.
4. The Prosecution notes that the court recess generally constitutes a suspension of judicial activity. While this alone does not constitute sufficient ground for the Prosecution to be granted an extension of time, the general workload of the office during the past weeks and the absence of a number of staff members from the Court taking their annual leave during the court recess, constitutes good cause for an extension of time to be granted pursuant to Regulation 35(2).

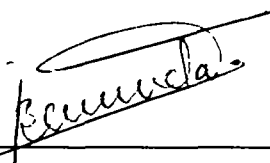
¹ ICC-01/05-01/08-48-US-Exp, 24 July 2008.

² The Prosecution notes that the PTC III has responded in an expeditious manner in relation to the Prosecution's Request for Redactions with a view to facilitating timely disclosure to the suspect

5. The Prosecution's efforts to complete this task within the time prescribed by the Pre-Trial Chamber have been further compromised to a great extent by the mandatory and un-announced fire-drill exercise conducted court-wide by the Safety and Security Division. The Prosecution respectfully informs the Pre-Trial Chamber that its relatively limited pool of staff available to carry out this enormous task was taken out of the Office for at least two hours. Had the Prosecution had these additional two hours at its disposal, it may have been able to submit the document in time.
6. The Prosecution further submits that a brief extension of time would not prejudice the rights of the defence to fair and expeditious proceeding under Article 67.
7. Finally, the Prosecution notes that it is well aware that in the ordinary course of events a motion for extension of time should be filed prior to the expiry of the deadline, an extension of which is sought. In a recent decision, the Appeals Chamber acknowledged and under exceptional circumstances a motion for extension of time that has been filed after the expiry of the relevant deadline may be granted.

Conclusion

8. For the above referred reasons the Prosecution respectfully requests that the Pre-Trial Chamber grant the prosecution an extension of time of 24 hours to file the above document.


Fatou Bensouda
Deputy Prosecutor

Dated this 10th day of January 2008
At The Hague, The Netherlands