

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 25 September 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**

**Under Seal
Ex parte, Prosecutor Only
Prosecution's Request for Extension of Page limit
For the Document Containing the Charges**

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

I. Introduction

1. Pursuant to Regulation 37(2) of the Regulations of the Court ("Regulations"), the Prosecution requests an extension to 40 pages for the Document Containing the Charges ("DCC") that it intends to file on 3 October 2008, pursuant to Article 61 (3) of the Rome Statute ("Statute"), Rule 121(3) of the Rules of Procedure and Evidence ("Rules") and Regulation 52 of the Regulations.

II. Request for *Ex parte* Classification

2. The Prosecution requests that this filing be received *ex parte*, Prosecutor only on the basis that it refers to an unredacted version of DCC, which the Prosecution intends to file under seal.

III. Request for Extension of the Page limit

3. The exceptional circumstances that justify an extension are as follows:
 - a. The Prosecution submits that the facts to be presented in the DCC are detailed and complex. They contain all key factual details and a detailed description of the general and specific allegations underpinning the charges levelled against the suspect. These facts extend over a period of five months and cover a range of alleged criminality which occurred on a large scale in large parts of the territory of the Central African Republic ("CAR").
 - b. The Prosecution submits further that the issues raised in the DCC bear on the determination of whether or not there are substantial grounds to

believe that the suspect has committed the crimes alleged.¹ The Prosecution highlights the following key issues which supports its claim for an extension of page limit to include but not limited to the following: the theory of liability of co-perpetration, which involves marshalling facts from the roles and contributions of different co-perpetrators in different countries. In addition, the high number of troops involved, the intensity of the armed conflict, the number of victims and the widespread nature of the attacks, which occurred in large parts of the CAR are factors constituting special circumstances warranting an extension of page-limit. Pleading these detailed facts with sufficient clarity and precision require that the Prosecution be provided more space to be in a better position to give the Defendant sufficient notice of the underlying allegations against him.

- c. The Prosecution submits further that the extension sought is consistent with the purpose and significance of the DCC. The DCC is intended to put the Defendant on sufficient notice on the issues for which the Prosecution seeks to bring him on trial. Granting the extension would enable the Prosecution to plead with clarity and sufficient detail, the issues on which it seeks to confirm charges. This pleading would assist the Defendant in preparing adequately and effectively for the confirmation of charges hearing.
- d. The Prosecution recalls that for the application for a warrant of arrest against Bemba, the PTC III granted an extension of page limit pursuant to a request by the Prosecution.² Though distinct from the arrest warrant application, the DCC covers both the statement of facts as well

¹ Article 61(7) of the Statute

² ICC-01/05-01/08-25

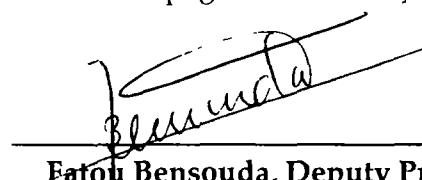
as their legal characterisation as stipulated in Regulation 52. An extension of the page limit would enable the Prosecution to set out the facts and their supporting references in sufficient detail. This pleading would in turn assist the Defence in its preparation.

- e. The Prosecution submits that the reasons set out above constitute exceptional circumstances pursuant to Regulation 37(2).

IV. Conclusion

1. For the above referred reasons the Prosecution respectfully requests:

- an extension from 20 to 40 pages for the DCC pursuant to Regulation 37 (2).
- that the Pre-Trial Chamber III rule on this application for extension of page-limit on an urgent basis.



Fatou Bensouda, Deputy Prosecutor
On Behalf Of
Luis Moreno-Ocampo, Prosecutor

Dated this 25th day of September 2008

At The Hague, The Netherlands