

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/08**
Date: **23 March 2009**

PRE-TRIAL CHAMBER II

Before: Judge Hans-Peter Kaul
Judge Ekaterina Trendafilova
Judge Fumiko Saiga

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

Public

**Prosecution's Request for Extension of Page Limit for the Third Amended 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

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Mr Aimé Kilolo-Musamba

Mr Pierre Legros

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 of 25 pages for the Third Amended Document Containing the Charges (“DCC”) that it intends to file on 30 March 2009, pursuant to Article 61 (3) of the Rome Statute (“Statute”), Rule 121(7) of the Rules of Procedure and Evidence (“Rules”) and Regulation 52 of the Regulations.

II- Request for Extension of the Page limit

2. In compliance with the “Decision Adjourning the Hearing pursuant to Article 61(7)(c)(ii) of the Statute”¹, the Prosecution will now include an additional submission of an alternative Mode of Liability under Article 28 of the Statute. The Prosecution submits that this decision, by implication, amounts to exceptional circumstances justifying a request for an extension of page limit.

3. The Prosecution submits that the extension sought is consistent with the purpose and significance of the Third Amended DCC in accordance with the Chamber’s request. This document is intended to put the Defendant on sufficient notice of the charges for which the Prosecution seeks confirmation. An extension of the page limit will allow the Prosecution to provide a clear and sufficiently detailed analysis of the elements relevant to Responsibility of commanders and other superiors under Article 28 of the Statute based on evidence already submitted, which will assist the Defendant in preparing adequately and effectively for its written observations. The Chamber has previously granted such an extension concerning the previous DCC².

¹ ICC-01/05-01/08-388

² ICC-01/05-01/08-123

III- Conclusion

For the above referred reasons the Prosecution respectfully requests:

- (i) an extension from 20 to 45 pages for the Third Amended DCC pursuant to Regulation 37 (2) of the Regulations;
- (ii) that the Pre-Trial Chamber II rule on this application for extension of page-limit on an urgent basis.



Luis Moreno-Ocampo, Prosecutor

Dated this 23rd Day of March 2009

At The Hague, The Netherlands