

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-01/05-01/08**
Date: **28 October 2009**

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elisabeth Odio-Benito
Judge Joyce Aluoch

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

Public

Prosecution's Request for Extension of the Page Limit of its Summary of Presentation of Evidence

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

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Introduction

1. At the status conference of 7 October 2009, Trial Chamber III (“the Chamber”) requested the Office of the Prosecutor (“the Prosecution”) to file a summary of the presentation of its evidence (“Prosecution’s summary of presentation of evidence”) by 4 November 2009.¹ The Chamber requested the Prosecution to set out in this document, the following: (a) an explanation of its case by reference to the witnesses it intends to call and other evidence it intends to rely upon; and (b) an explanation of how its evidence relates to the charges.² In order to comply with these requests, and given the importance of the issues to be discussed in this document to the case, the Prosecution requests an extension of the page limit for the filing of the Prosecution’s summary of presentation of evidence to 75 pages pursuant to Regulation 37(2) of the Regulations of the Court (“the Regulations”).

Request for Extension of Page Limit

2. Pursuant to Regulation 37(2) of the Regulations, a party may apply for an extension of the page limit in exceptional circumstances. The Prosecution submits that the scope of issues to be addressed in its summary presentation of evidence warrants such an extension.

3. The Prosecution’s case covers facts arising from an internal armed conflict which occurred in the territory of the Central African Republic (“CAR”) from October 2002 to March 2003. It involves the deployment of *Mouvement de Libération du Congo* (“MLC”) troops to the CAR during the relevant period and the war crimes and crimes against humanity that they perpetrated against civilians. The Prosecution will set out and discuss in detail the mode of liability, the circumstances surrounding the crimes, and the impact of MLC’s crimes against the CAR civilians. Last, the Prosecution will set out its charges and relate its evidence to the charges. Given the importance of each of the issues to be covered in the document, the Prosecution requests an extension of the page limit to adequately cover these issues in a manner that would assist both the Defence’s preparation of its case and the fair and expeditious conduct of the trial.

¹ ICC-01/05-01/08-T-14-ENG, p. 12, lines 18-25 and p. 13, lines 1-3.

² ICC-01/05-01/08-T-14-ENG, p. 12, lines 18-25 and p. 13, lines 1-3.

4. The Prosecution further recalls that Trial Chamber I granted a similar request in the *Lubanga* case.³ Accordingly, the Prosecution requests that the Chamber adopt and apply the practice of Trial Chamber I in treating applications of this nature.

5. That said, the Prosecution will endeavour to restrict its presentation to minimize the burden on the Chamber, the Defence, and the participants, while providing sufficient notice of the nature, cause and contents of its case to all concerned.

Relief Sought

6. The Prosecution submits that the reasons set out above constitute exceptional circumstances within the meaning of Regulation 37(2) of the Regulations. Accordingly, it respectfully requests that the Chamber grant an extension of the page limit for the filing of the Prosecution's summary of presentation of evidence to 75 pages, excluding cover pages.



Luis Moreno-Ocampo, Prosecutor

Dated this 28th Day of October 2009

At The Hague, The Netherlands

³ ICC-01/04-01/06-1070 and ICC-01/04-01/06-1350