

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 8 February 2010

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth 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 Response to the Defence's Request for an extension of page limit for
its submission on the Second 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

Legal Representatives of Victims

Ms Marie-Edith Douzima-Lawson

Legal Representatives of Applicants

Unrepresented Victims

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Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

1. On 7 October 2009, the Trial Chamber III (“the Chamber”) ordered the Office of the Prosecutor (“the Prosecution”) to submit a revised Document Containing the Charges to comport with the confirmation decision, no later than 4 November 2009.¹ Pursuant to the order, the Prosecution submitted the Second Amended Document Containing the Charges (“Second Amended DCC”) to reflect the charges as confirmed by Pre-Trial Chamber II.²

2. On 1 February 2010, the Defence announced its intent to file an application for an order directing the Prosecution to file a “corrected” Second Amended DCC and sought an extension of the page limit, to 45 pages, under Regulation 37(2) of the Regulations of the Court (“the Regulations”).³ On 3 and 5 February 2010, the Chamber requested the Prosecution to respond to the Defence’s request for extension by 8 February 2010.⁴

3. The Prosecution opposes the request. The Defence has not demonstrated why 45 pages, more than double the 20 pages prescribed in Regulation 37(1) of the Regulations, is necessary in order to identify “irregularities” and “errors in content and form” in the Second Amended DCC, which itself is only 37 pages long. The Defence accordingly has not met the requisite standard of “exceptional circumstances” under Regulation 37(2) of the Regulations.

4. Further, the Prosecution recalls that during the status conference on 8 December 2009, the Chamber notified the parties that it intends to provide all participants with a memorandum addressing potential discrepancies between the

¹ ICC-01/05-01/08-T-14-ENG, p. 13.

² ICC-01/05-01/08-593-Conf-Exp-Anx

³ ICC-01/05-01/08-684

⁴ Email communications from the Chamber to the Prosecution dated 3 and 5 February 2010.

decision confirming the charges and the Second Amended DCC. The Chamber further announced to set a timeline for the participants' submissions.⁵

5. In light of the Chamber's notification and in the interest of efficiency, the Prosecution suggests awaiting the Chamber's memorandum. It might address partly the Defence's concerns and make a submission exceeding 20 pages unnecessary.



Luis Moreno-Ocampo, Prosecutor

Dated this 8th day of February 2010

At The Hague, The Netherlands

⁵ ICC-01/05-01/08-T-18-ENG, p. 47, lines 16-25, p. 48, lines 1-5.