

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 11 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

Decision on the defence request for an extension to the page limit

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Ms Petra Kneuer, Senior Trial Lawyer

Legal Representatives of the Victims

Ms Marie-Edith Douzima-Lawson

Counsel for the Defence

Mr Nkwebe Liriss

Mr Aimé Kilolo Musamba

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

Xavier-jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber III ("Trial Chamber" or "Chamber") of the International Criminal Court ("Court") in the case of The Prosecutor v. Jean-Pierre Bemba Gombo issues the following decision on a "Requête aux fins d'extension du nombre de pages autorisées" ("Defence request"), dated 1 February 2010¹ which requests an extension of the 20 pages page limit to 45 pages, pursuant to Regulation 37(2) of the Regulations of the Court ("Regulations"), in order to address in detail the "irregularities" that the defence suggests are to be found in the "Second Amended Document Containing the Charges" ("Second amended document containing the charges").²

1. The defence submits that the "magnitude of the issues relevant to this request, the necessity of outlining in some detail the errors in content and form of the second document containing the charges comprising 39 pages, the extent of the procedural context and its importance" ³ constitute exceptional circumstances in order to extend the page limit pursuant to Regulation 37(2) of the Regulations.
2. Following an order of the Chamber shortening the time-limit for any response,⁴ the Office of the Prosecutor ("prosecution") filed its response on 8 February 2010,⁵ opposing the defence request.
3. The prosecution submits that the defence has not demonstrated why an extension of more than double the page limit allowed by Regulation 37(1) of the Regulations is necessary to identify "irregularities" and "errors in content and form" in the Second amended document containing the charges which is

¹ ICC-01/05-01/08-684.

² Second Amended Document Containing the Charges, ICC-01/05-01/08-593-Conf-Exp-AnxA, 4 November 2009.

³ ICC-01/05-01/08-684, paragraph 8.

⁴ Email communications from the legal adviser to the Trial Division to the prosecution dated 3 and 5 February 2010.

⁵ 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, ICC-01/05-01/08-687, 8 February 2010.

itself only 37 pages in length.⁶ Accordingly the prosecution submits that the defence has not met the requisite standard of “exceptional circumstances” pursuant to Regulation 37(2) of the Regulations.

4. Additionally the prosecution submits 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 the potential discrepancies between the decision confirming the charges and the Second amended document containing the charges, and further it mentioned setting a timeline for the participants’ submissions.⁷ The prosecution therefore suggests awaiting the Chamber’s memorandum which may partially address the defence concerns and make a submission exceeding 20 pages unnecessary.⁸

5. The Chamber notes that at the status conference on 8 December 2009, it put the parties on notice as to possible discrepancies between the decision confirming the charges issued by the Pre-Trial Chamber II on 15 June 2009⁹ and the Second amended document containing the charges filed by the prosecution on 4 November 2009, in order to “give opportunity for counsel to reflect on the matter in advance”.¹⁰ The Chamber further notes that no deadline was set but instead the Chamber indicated that the issue would need to be considered in some detail, stating that “any difficulties with the charges should really be resolved in advance, so this is no more than notification to everyone that there may well be a memorandum from us to that effect”.¹¹ This was merely a suggestion by the Chamber and was in no way definitive or binding, and given that the defence is now fully constituted, as opposed to its position at the status conference on 8 December 2009, the Chamber considers

⁶ ICC-01/05-01/08-687, paragraph 3.

⁷ ICC-01/05-01/08-687, paragraph 4. Referring to ICC-01/05-01/08-T-18-ENG, page 47, line 16 – page 48, line 5.

⁸ ICC-01/05-01/08-687, paragraph 8.

⁹ Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute on the charges of the prosecutor against Jean-Pierre Bemba Gombo, ICC-01/05-01/08-424, 15 June 2009.

¹⁰ ICC-01/05-01/08-T-18-ENG, page 46, lines 2 - 3.

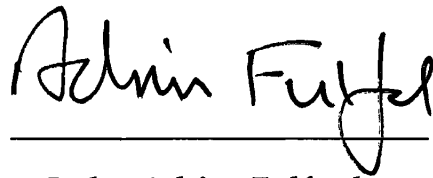
¹¹ ICC-01/05-01/08-T-18-ENG, page 46, lines 12 – 14.

that a full analysis of this matter by counsel now represents the most effective way of advancing the issue.

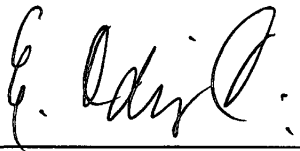
6. Pursuant to Regulation 37(2) of the Regulations, which provides that “[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”, the Trial Chamber finds that the reasons set out in the defence request constitute exceptional circumstances and hereby grants the defence an extension of the 20 pages page limit to 45 pages for the filing of a defence request to obtain a decision ordering correction and filing of the Second amended document containing the charges.
7. Given the defence proposal, as set out in the Request, that it will file its application “as soon as possible”,¹² the Chamber instructs the defence to file its application forthwith.

¹² ICC-01/05-01/08-684, paragraph 9.

Done in both English and French, the English version being authoritative.



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge Joyce Aluoch

Dated this 11 February 2010

At The Hague, The Netherlands