

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **01 March 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 document

**Prosecution's Application for Extension of Time Limit Pursuant to Regulation 35 of
the Regulations of the Court to Respond to the Defence's « Requête aux Fins
d'Obtenir une Décision Ordonnant la Correction et le Dépôt du Second Document
Amendé Contenant les 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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Ms Marie Edith Douzima-Lawson

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

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States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

I. Procedural Background

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 comply with the Decision on the Confirmation of Charges¹ (“the Confirmation Decision”), no later than 4 November 2009.² 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.³

2. On 1 February 2010, the Defence filed an application for an order directing the Prosecution to file a “corrected” Second Amended DCC and sought an extension of the 20 pages limit, to 45 pages, under Regulation 37(2) of the Regulations of the Court (“the Regulations”), on the ground that the “magnitude of the issues relevant to this request, the necessity of outlining in some details the errors in content and form of the Second Amended DCC comprising 39 pages, the extent of the procedural context and its importance” constitute exceptional circumstances in order to extend the page limit.⁴

3. On 11 February 2010, the Chamber granted the Defence an extension of the 20 pages limit to 45 pages, considering that the reasons set out in the Defence request constituted exceptional circumstances under Regulation 37(2) of the Regulations.⁵

4. On 12 February 2010, the Defence filed its “Requête aux Fins d’Obtenir une Décision Ordonnant la Correction et le Dépôt du Second Document Amendé Contenant les Charges » (“the Defence’s Request”) through which it requested the

¹ ICC-01/05-01/08-424

² ICC-01/05-01/08-T-14-ENG, p. 13.

³ ICC-01/05-01/08-593-Anx-Red

⁴ ICC-01/05-01/08-684, p. 4, para. 8

⁵ ICC-01/05-01/08-693

Chamber to *inter alia* order the Prosecution to submit a new Document Containing the Charges reflecting the changes proposed by the Defence in the Annex attached to the Defence's Request⁶.

II. Prosecution Submission

5. The Prosecution requests pursuant to Regulation 35 of the Regulations, an extension of time to, and including 22 March 2010, within which to respond to the Defence's Request, for the reasons stated hereunder:

6. While the extension sought by the Prosecution will not cause prejudice to the Defence, the importance and complexity of both the issues raised by the Defence in its Request and the nature of the Document Containing the Charges, require further and adequate time for the Prosecution to fully consider all the Defence's assertions.

7. The Defence devoted 85 paragraphs of its application⁷ to in depth analysis and detailed observations on the content of the Second Amended DCC, which must in turn be examined by the Prosecution in order to arrive at comprehensive submissions in their respect.

8. Furthermore, every single page of the Annex A attached to the Defence's Request, which constitutes the Prosecution's Second Amended DCC, contains corrections proposed by the Defence. The details of the alleged errors necessitate from the Prosecution a particularized analysis on each point raised by the Defence in light of both the Second Amended DCC and the Confirmation Decision.

⁶ ICC-01/05-01/08-694 and ICC-01/05-01/08-694-Conf-Exp-AnxA.

⁷ ICC-01/05-01/08-694, paras 49 to 134.

9. The foregoing sets out the reasons why an extension is appropriate and constitutes good cause justifying a variation of time limit within the meaning of Regulation 35 of the Regulations.

III. Relief Sought

10. In light of the foregoing, the Prosecution respectfully requests the Chamber an extension of two weeks, to and including 22 March 2010 to respond to the Defence's Request.



Luis Moreno-Ocampo, Prosecutor

Dated this 1st Day of March 2010

At The Hague, The Netherlands