

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 11 April 2014

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

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

Public Document

**Prosecution's Request for Extension of Time pursuant to Regulation 35(2) of the
Regulations of the Court**

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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REGISTRY

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

1. The Office of the Prosecutor (“Prosecution”) requests a suspension of the 21 day timeframe for responses to Defence motions filed within the eight week period granted to the Prosecution for the drafting of its final brief. Alternatively, if the Chamber considers that responses to Defence motions are necessary over the next eight weeks, the Prosecution requests a suspension of the drafting timeframe for its final brief until after the last Defence motion on the current matters has been filed and responded to.

2. Between 16 January and 7 April 2014, as a result of Defence requests, the Prosecution and Defence exchanged approximately 25 communications regarding disclosure or information on investigations into the Defence case that resulted in the Article 70 investigations (“Defence Requests”). During the same period, the Prosecution and Defence have submitted approximately 17 corresponding filings on the Defence Requests. In spite of decisions by both the Trial Chamber III (“Chamber”) and Pre-Trial Chamber II’s Single Judge, as well as Prosecution responses to Defence letters, the Defence motions of 20 pages on average continue unabated on the same issues.

3. On 7 April 2014, the Chamber declared the presentation of evidence by the parties closed and ordered the Prosecution to submit its final closing brief on 2 June 2014.¹ Yet on 9 April 2014, the Prosecution received the “Defence urgent request for disclosure and injunctive relief concerning privileged Defence communications”.²

4. Within the 400 pages allocated for its final brief, the Prosecution must set out its “legal and factual submissions concerning the contextual and specific elements of the war crimes and crimes against humanity charged and the individual criminal

¹ ICC-01/05-01/08-3035, Decision on closure of evidence and other procedural matters, 7 April 2014, para. 7(ii); and ICC-01/05-01/08-2731, Decision on the timeline for the completion of the defence's presentation of evidence and issues related to the closing of the case, 16 July 2013, para. 38(j).

² ICC-01/05-01/08-3036 + Anxs, Defence urgent request for disclosure and injunctive relief concerning privileged Defence communications, 9 April 2014.

responsibility of the accused.”³ The Chamber approved eight weeks of drafting for this purpose, which requires a review of 77 witnesses and 704 admitted exhibits spanning over a three year trial period.⁴ The drafting of the closing brief is, in the Prosecution’s submission, a task of fundamental importance for the proper completion of this case, as well as a very taxing one, requiring the Prosecution to focus all its time and resources in its successful completion. The Prosecution should not be forced to unnecessarily deviate those resources to deal with matters that are not related to the facts and circumstances of this case – and if it must do so, it should not be at the expense of the quality of its closing submissions, which ultimately aim at assisting the Chamber to make an informed and fair determination in this case.

5. The scope of material to be reviewed and presented, as well as the importance of the final brief and the Prosecution’s burden of proof provide “good cause”, within the meaning of Regulation 35(2) of the Regulations of the Court, to request an extension of time to respond to Defence Requests submitted during the eight week drafting period.

Relief Sought

6. The Prosecution respectfully requests the Chamber to:

- a. Suspend the 21 day timeframe for responses to Defence motions submitted during the eight week drafting period until after submission of the final brief on 2 June 2014; or

³ ICC-01/05-01/08-2731, Decision on the timeline for the completion of the defence's presentation of evidence and issues related to the closing of the case, 16 July 2013, para. 38(m).

⁴ ICC-01/05-01/08-3035, Decision on closure of evidence and other procedural matters, 7 April 2014, para. 3.

- b. Alternatively, suspend the eight week drafting period until after the last Defence motion on the current matters has been exhausted.



Fatou Bensouda, Prosecutor

Dated this 11th Day of April 2014
At The Hague, The Netherlands