

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 25 June 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

**Decision on "Prosecution's Application for Extension of Time Limit to Submit
Proper Redactions of Admitted Evidence"**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Ms Melinda Taylor

Legal Representatives of the Victims

Ms Marie Edith Douzima-Lawson

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

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber III (“Chamber”) of the International Criminal Court in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Decision on “Prosecution’s Application for Extension of Time Limit to Submit Proper Redactions of Admitted Evidence” (“Decision”).

1. On 26 May 2014, the Chamber issued its “Decision on the ‘Prosecution’s Submission pursuant to the Order on the classification of items admitted into evidence’ and other evidentiary issues” (“Reclassification Decision”),¹ in which it, *inter alia*, ordered the Office of the Prosecutor (“prosecution”) to upload into eCourt, by 23 June 2014, public redacted versions of 329² items admitted into evidence (“Items”) or to inform the Chamber that they can be reclassified as public without redactions.³
2. On 23 June 2014, the prosecution filed its “Prosecution’s Application for Extension of Time Limit to Submit Proper Redactions of Admitted Evidence” (“Prosecution Application”).⁴ The prosecution submits that it is “unable to conduct the level of detailed review necessary to provide the Chamber with accurate and informed proposals for redactions to the admitted documents by the deadline imposed by the Chamber”.⁵ In this regard, the prosecution avers that “[t]he redaction process is a time consuming process” to be conducted by “persons with detailed knowledge of the case to emplace proposed redactions”, and that “during the period [between] 26 May 2014 and 2 June 2014, the entire CAR team

¹ Decision on the “Prosecution’s Submission pursuant to the Order on the classification of items admitted into evidence” and other evidentiary issues, 26 May 2014, ICC-01/05-01/08-3072-Conf and Public Annex A. A public redacted version was filed on 27 May 2014: Public Redacted Version of Decision on the “Prosecution’s Submission pursuant to the Order on the classification of items admitted into evidence” and other evidentiary issues (ICC-01/05-01/08-3072-Conf), 27 May 2014, ICC-01/05-01/08-3072-Red.

² The Chamber notes that in its application, the prosecution refers to 326 items. However, the Chamber notes that pursuant to paragraph 26 (j), (l), (n) and (o) of the Reclassification Decision, the prosecution is to upload redacted versions of a total of 329 items.

³ ICC-01/05-01/08-3072-Red, paragraph 26 (j), (l), (n) and (o). The prosecution was ordered to upload the documents within four weeks of notification of the Chamber’s decision of 26 May 2014.

⁴ Prosecution’s Application for Extension of Time Limit to Submit Proper Redactions of Admitted Evidence, 23 June 2014, ICC-01/05-01/08-3096.

⁵ ICC-01/05-01/08-3096, paragraph 8.

was involved in the drafting and sourcing for the closing brief ...”⁶ The prosecution submits that it “will be able to provide the proposed redactions by 4 July 2014”.⁷

3. In deciding on the Prosecution Application and in accordance with Article 21(1) of the Rome Statute, the Chamber has considered Regulation 35(2) of the Regulations of the Court (“Regulations”), which provides that “[t]he Chamber may extend or reduce a time limit if *good cause* is shown and, *where appropriate*, after having given the participants an opportunity to be heard”.⁸
4. As a preliminary issue, the Chamber notes that the prosecution filed its application on the day of expiry of the time limit set by the Chamber and less than 30 minutes before 16.00, which is the official time limit for filing a document with the Registry.⁹ In this regard, the Chamber recalls its previous finding that, “[w]hile Regulation 35 of the Regulations only requires that such applications be made before the lapse of any time limit, the Chamber is of the view that such applications must be made sufficiently in advance so as to allow the Chamber to render a decision sufficiently prior to the lapse of the time limit”.¹⁰ The Chamber considers that the prosecution must have been aware of its inability to comply with the time limit set by the Chamber prior to the day of expiry of the time limit and should have filed its application at an earlier point. The Chamber further underlines that the Reclassification Decision was issued on 26 May 2014 and that the prosecution’s closing brief was filed on 2 June 2014. Accordingly, after having filed its closing brief, the prosecution still had three full weeks to comply with the time limit of 23 June 2014.

⁶ ICC-01/05-01/08-3096, paragraph 8.

⁷ ICC-01/05-01/08-3096, paragraph 8. The prosecution seeks an extension of 11 days.

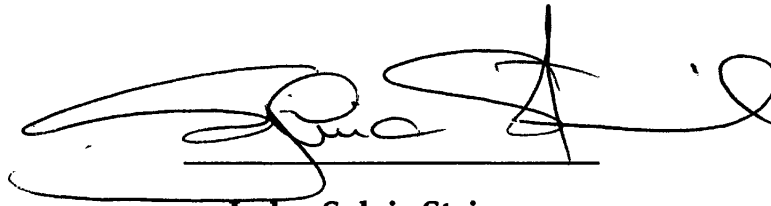
⁸ Emphases added.

⁹ See Regulation 33(2) of the Regulations of the Court.

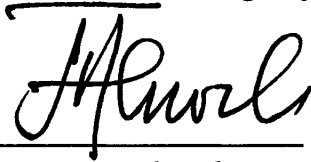
¹⁰ ICC-01/05-01/08-2192, paragraph 4.

5. The above notwithstanding, given that the extension sought does not prejudice the preparation of the defence, which has access to unredacted versions of the Items, on an exceptional basis, the Chamber will consider the Prosecution Application.
6. In the present circumstances, considering the time required by the prosecution for the preparation of its closing brief, the number of items to be reviewed, and the need to provide accurate and informed proposals for redactions, the Chamber is satisfied that the prosecution has demonstrated good cause for an extension of time limit in accordance with Regulation 35(2) of the Regulations.
7. For these reasons, the Chamber hereby GRANTS the prosecution's application for an extension, until 4 July 2014, of the time limit within which it must upload into eCourt public redacted versions of the items listed in paragraph 26 (j), (l), (n), and (o) of the Reclassification Decision.

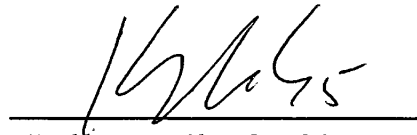
Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, appearing to be 'Sylvia Steiner', written over a horizontal line.

Judge Sylvia Steiner

A handwritten signature in black ink, appearing to be 'Joyce Aluoch', written over a horizontal line.

Judge Joyce Aluoch

A handwritten signature in black ink, appearing to be 'Kuniko Ozaki', written over a horizontal line.

Judge Kuniko Ozaki

Dated this 25 June 2014

At The Hague, The Netherlands