

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-01/05-01/08**
Date: **21 November 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**

Confidential Document

Prosecution's Response to the Defence Request for an Extension of Page Limit

Source: The Office of the Prosecutor

Document to be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

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I. Introduction

1. On 11 November 2014, the Defence filed an 87-page request for the Trial Chamber III ("Chamber") to, *inter alia*, extend the page limit of its *Defence Request for Relief for Abuse of Process* ("Defence Request").¹ The Defence argues that exceptional circumstances exist that justify the extension of the page limit from the permitted 20 pages to 87 pages and an additional nine pages in its Addendum to the Defence Request.²

2. The Office of the Prosecutor ("Prosecution") opposes the Defence Request. The Prosecution submits that the Defence Request does not meet the threshold established by the Appeals Chamber's jurisprudence and, as such, should be rejected.

II. Confidentiality

3. The Prosecution requests that the Chamber receive this response as "confidential" pursuant to Regulation 23(2)*bis* of the Regulations of the Court, as it relates to a document that was filed with the same classification.

III. Submissions

4. The Appeals Chamber has repeatedly ruled that "...[a]n application for an extension of the page limit envisaged by the Regulations of the Court and its approval

¹ ICC-01/05-01/08-3203-Conf-Exp, paras. 13-15, and para. 327. "Defence Request for Relief for Abuse of Process", 11 November 2014.

² ICC-01/05-01/08-3207-Conf-Exp, "Addendum to Defence Request for Relief for Abuse of Process", 18 November 2014.

by a Chamber are *prerequisites* for the submission of an extended document."³ The Appeals Chamber also found that "[u]nlike regulation 35(2), second sentence, of the Regulations of the Court in respect of time limits, the Regulations of the Court do not provide for a retroactive extension of page limits".⁴ Therefore, the Defence Request must be considered as being in breach of the Regulations of the Court.⁵

5. Derogation from the requirement of filing a prior application for extension of the page limit is only warranted in exceptional circumstances.⁶ After considering the entire 87-page Defence Request and its nine-page addendum, the Prosecution submits that the Defence request for an extension of the page limit is not warranted. The Defence Request is unnecessarily repetitive and re-submits many claims that have been raised by the Defence before and that have already been adjudicated by the Chamber. Furthermore, the Defence arguments are unfocused and at times the reasoning is difficult to understand, making any response difficult to compose. The filings of the parties should assist the Chamber to rule on the issues brought before it. A more focused and concise Defence Request would facilitate the adjudication of the Chamber on the matter and it would also allow the Prosecution to provide a focused and concise response.

6. Moreover, because many examples cited by the Defence in its justification for exceptional circumstances are issues that have already been litigated and ruled upon by various Chambers of this Court, they are not "novel", and they do therefore not justify an extension of the page limit of the Defence Request to 87 pages.

³ ICC-01/04-01/06-168, para.4; ICC-01/04-01/06-2543 OA18, para.11; ICC-02/11-01/11-266, OA2, para.9 (emphasis added).

⁴ ICC-01/04-01/06-1445 OA13, para.8; ICC-02/11-01/11-266, OA2, para.9.

⁵ ICC-02/11-01/11-266, OA2, para.9.

⁶ ICC-01/04-01/06-168, para.4; See also, ICC-01/04-01/06-2205 OA15 OA16, para.22.

IV. Requested relief

7. For the above reasons, the Prosecution requests the Chamber to reject the Defence Request in its entirety and order the Defence to resubmit a new request within the 20-page limit or, in the alternative, order the Defence to submit a substantiated request for a reasonable extension of page limit and grant the Prosecution the same extension for its response.



Fatou Bensouda, Prosecutor

Dated this 21th Day of November 2014
At The Hague, The Netherlands