

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13

Date: 30 March 2016

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

***THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

Confidential Document

***Prosecution's Response to «Requête de l'équipe de Défense de
M. Babala aux fins d'ajouter deux documents à sa liste d'éléments
de preuves» - ICC-01/05-01/13-1752-Conf***

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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1. The Office of the Prosecutor ("Prosecution") defers to Trial Chamber VII's ("Chamber") discretion regarding the disposition of the Babala Defence's «*Requête de l'équipe de Défense de M. Babala aux fins d'ajouter deux documents à sa liste d'éléments de preuves*» ("Request").¹ Although regulation 35(2) of the Regulations of the Court affords the Chamber discretion to extend time limits, this is conditioned first, on a showing of "good cause"² — which this Chamber has previously found subsumes, *inter alia*, the moving Party "hav[ing] acted expeditiously and diligently".³ Second, where the relevant deadline has lapsed,⁴ the Chamber must further find that the application for an extension could not have been filed within that deadline for reasons outside of the participant's control.⁵

2. As the addition of the proposed documents to the Babala Defence's list of exhibits is the sole relief advanced in the Request,⁶ the Prosecution has not addressed their prospective admissibility, as this would be premature. However, the Prosecution expressly reserves the right to challenge their "formal submission" and/or admission should they be tendered.

¹ ICC-01/05-01/13-1752-Conf.

² See regulation 35(2).

³ ICC-01/05-01/13-1555, para. 12.

⁴ The Defence's deadline to disclose its final list of evidence was 21 January 2016 (see ICC-01/05-01/13-1518).

⁵ See regulation 35(2).

⁶ ICC-01/05-01/13-1752-Conf, p. 6.

Confidentiality

3. This filing is classified as "*Confidential*" as it responds to a filing of the same designation. The Prosecution does not object to its reclassification as "*Public*."



Fatou Bensouda, Prosecutor

Dated this 30th day of March, 2016
At The Hague, The Netherlands