

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 3 May 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***

**Public Document**

**Prosecution's Request for Variation of Time for Closing Statements**

**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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|-------------------------------------------------|-----------------------------------------------------|
| <b>The Office of Public Counsel for Victims</b> | <b>The Office of Public Counsel for the Defence</b> |
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**States Representatives****Amicus Curiae****REGISTRY****Registrar**

Mr Herman von Hebel

**Counsel Support Section****Victims and Witnesses Unit****Detention Section**

|                                                      |               |
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| <b>Victims Participation and Reparations Section</b> | <b>Others</b> |
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1. Pursuant to regulation 35(2) of the Regulations of the Court, the Office of the Prosecutor (“Prosecution”) requests that Trial Chamber VII (“Chamber”) extend the date for closing statements<sup>1</sup> by at least one week (“Request”).

2. There is good cause for the Chamber to grant this Request.<sup>2</sup> The Prosecution anticipates that the Defence closing briefs will be extensive. Each Defence team has been allocated 100 pages for their submissions.<sup>3</sup> Given that two have already requested page-limit extensions<sup>4</sup> and the Defence’s confirmation submissions comprised 848 pages,<sup>5</sup> it is certain that their closing briefs will make full use of their combined 500 page allotment (excluding any substantive annexes). The Defence’s collective 500 page limit for their closing briefs exceeds that allocated to any Defence at the Court to date.<sup>6</sup> The current scheduling thus allows the Prosecution only five days to read and analyse the Defence briefs – at an average of 100 pages a day – and one day to prepare responsive oral submissions.

3. In the Prosecution’s professional assessment, such time constraints, particularly given the length and complexity of the Defence’s anticipated submissions, would make it exceedingly difficult for the Prosecution to address them adequately. To require the Prosecution to do so would unfairly prejudice the Prosecution *vis-à-vis* the Defence, who each may only need to respond to a far more limited Prosecution closing brief. Given also that the Prosecution bears the burden of establishing the Accused’s guilt beyond reasonable doubt, the proposed extension would enhance the fairness of the proceedings.

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<sup>1</sup> ICC-01/05-01/13-1859, para. 6 (setting closing statements for 31 May 2016).

<sup>2</sup> See ICC-01/05-01/13-1552, para. 11 (noting, “[t]he Single Judge considers it premature to consider the Prosecution’s arguments on these points until they can clearly articulate if and why an extension of time as needed. The Single Judge will therefore not vary the closing submissions timeline, *without prejudice to a substantiated request being raised at a later time*”) (emphasis added).

<sup>3</sup> ICC-01/05-01/13-1518, para. 21.

<sup>4</sup> ICC-01/05-01/13-1801; ICC-01/05-01/13-1809.

<sup>5</sup> ICC-01/05-01/13-610, p. 3.

<sup>6</sup> ICC-01/05-01/08-2731, para. 33 (allocating 400 pages to the Defence’s brief); ICC-01/04-01/06-2722, para. 3(c) (allocating 300 pages to the Defence’s brief).

4. While the issues in the case are limited and the Defence's arguments may overlap, the case also raises several novel issues, both evidentiary and procedural. Moreover, the Defence's confirmation submissions and their respective opening statements at trial suggest that each will largely focus on the issues particular to their client. A one-week extension will permit the Prosecution to better formulate cogent, limited, and focused responses on important issues that each Defence team may raise, which would benefit the Chamber in its assessment of the salient trial evidence and its search for the truth.

5. A modest extension of at least one additional week would not unduly prolong the trial. Nor would it prejudice the Defence, as they likewise would be afforded additional time to prepare their respective responses to the Prosecution's closing brief.



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**Fatou Bensouda, Prosecutor**

Dated this 3<sup>rd</sup> Day of May 2016  
At The Hague, The Netherlands