

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 26 November 2009

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge Joyce Aluoch

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

Public Document

URGENT

Order granting the defence request for extension of the page limit for its submissions on whether the procedures developed in the Lubanga case should be varied during the course of the trial in The Prosecutor v. Jean-Pierre Bemba Gombo

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo-Musamba

Legal Representatives of the Victims

Ms Marie-Edith Douzima-Lawson
Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Trial Chamber is seized of the defence “Requête aux fins d’extension du nombre de pages autorisées” in relation to its submissions on whether the procedures developed in the case of The Prosecutor v. Thomas Lubanga Dyilo (“Lubanga case”) should be varied during the course of the trial in The Prosecutor v. Jean-Pierre Bemba Gombo (“Bemba case”), filed on 25 November 2009 (“defence Request”), which requests leave to exceed the page limit (20 pages) to a maximum of 55 pages, pursuant to Regulation 37(2) of the Regulations of the Court.¹
2. At the status conference on 7 October 2009, Trial Chamber III ordered written submissions from the parties, to be filed by 16.00 on 4 November 2009, on whether the practices adopted by Trial Chamber I in the Lubanga case, relating to the manner in which evidence is submitted, participation by victims, protective measures and the disclosure obligations of the parties, should be adopted or varied for the Bemba trial.²
3. On 4 November 2009, the defence filed its “Requête aux fins d’extension de délai”, requesting the deadline to be extended by three weeks.³ This Request was granted by the Chamber on 11 November 2009, setting as a new deadline of 16.00 on 26 November 2009.⁴
4. In its Request of 25 November 2009, the defence states that the extension of the page limit is necessary, due to the diverse and complex nature of its submissions, which will contribute to the jurisprudence of Trial Chamber III. It indicates that its submissions will cover varied issues of law, some of which have played little or no part in the discussions before the Chamber to date, and which will require extensive reference to the jurisprudence of the Court,

¹ Requête aux fins d’extension du nombre de pages autorisées, 25 November 2009, ICC-01/05-01/08-612.

² Transcript of hearing on 7 October 2009, ICC-01/05-01/08-T-14-ENG-ET.

³ Requête aux fins d’extension de délai, 4 November 2009, ICC-01/05-01/08-597; Corrigendum filed the same day, ICC-01/05-01/08-597-Corr.

⁴ Order granting the Defence's Application for Extension of Time, 11 November 2009, ICC-01/05-01/08-604.

as well as other international and national courts and tribunals.⁵

5. The prosecution objects to the defence Request. It submits that the defence has not shown the existence of “exceptional circumstances” as required by Regulation 37(2) of the Regulations of the Court and suggests that the three “themes” identified by the defence should form the subject of three separate filings, each limited to 20 pages. The prosecution also submits that separate filings will ensure greater clarity.⁶

Analysis

6. Regulation 37(1) of the Regulations of the Court stipulates that a document filed with the Registry shall not exceed 20 pages, but pursuant to Regulation 37(2), the Chamber may, at the request of a participant, extend the page limit in exceptional circumstances.
7. The Chamber considers that the defence submissions will deal with complex and broad issues, involving a number of different areas of law, some of which are substantial in nature. In the view of the Chamber, this satisfies the “exceptional circumstances” requirement of Regulation 37(2) of the Regulations of the Court.
8. The Chamber disagrees with the prosecution’s submission that separate filings on these discrete issues are more appropriate than a single document. The areas that the defence will address are interrelated and, to an extent, inter-dependent, and in the circumstances the Chamber concludes they should be dealt with in one comprehensive filing.

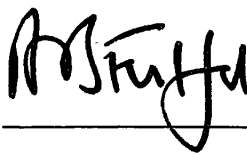
Conclusions

⁵ ICC-01/05-01/08-612.

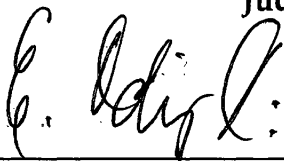
⁶ Email communication from the prosecution to the Chamber, dated 25 November 2009.

9. The Chamber grants the defence Request for the extension of the page limit from 20 to 55 pages for its submissions, which are to be filed by 16.00 on 26 November 2009.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge Joyce Aluoch

Dated this 26 November 2009

At The Hague, The Netherlands