

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 31 January 2014

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF *THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA WANDU and NARCISSE ARIDO*

Public

Decision on the "Prosecution's Request pursuant to regulation 35 of the Regulations of the Court for variation of time limit for disclosure"

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Kweku Vanderpuye
Florence Darques Lane

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Ghislain Mabanga

Counsel for Jean-Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Legal Representatives of Victims

Legal Representatives of 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

Others

REGISTRY

Registrar

Herman von Hebel

Detention Section

Victims and Witnesses Unit

Others

**Victims Participation and
Reparations Section**

I, Judge Cuno Tarfusser, having been designated as Single Judge of Pre-Trial Chamber II of the International Criminal Court;

NOTING the “Prosecution’s Request pursuant to regulation 35 of the Regulations of the Court for variation of time limit for disclosure” dated 31 January 2014 (“Prosecutor’s Request”),¹ whereby the Prosecutor (i) submits that on 23 January 2014 and on 28 January 2014 respectively, she received from the French authorities and from the Registrar material which is potentially relevant to the case and, accordingly, (ii) requests that the disclosure deadline for this “newly obtained” material be extended until 18 March 2014;

NOTING the Single Judge’s Oral Decision dated 4 December 2014,² *inter alia* ordering the Prosecutor to disclose to the Defence all evidence collected between 23 November 2013 and 31st January 2014 on which she intends to rely for the purpose of the confirmation hearing no later than Friday, 31 January 2014;

NOTING regulation 35(2) of the Regulations of the Court;

CONSIDERING that, as a matter of principle, good faith and fairness in the conduct of the proceedings require that a request for extension of a time not be filed on the very day on which that time limit expires, unless compelled by factors which are outside the control of the requesting party;

CONSIDERING that, however, the circumstances narrated by the Prosecutor show that the relevant material was made available to her at this late stage for reasons which were beyond her control and in spite of her having timely requested its delivery;

CONSIDERING that, accordingly, the submission of the Prosecutor’s Request at this late stage is justified;

¹ ICC-01/05-01/13-139-Conf.

² ICC-01/05-01/13-T-2-CONF-ENG, page 32, lines 9-13.

CONSIDERING that the extension of the time limit will result in the Defence teams only being disclosed the material which might be relevant for the purposes of the confirmation hearing, thereby contributing to the overall efficiency of the proceedings ;

CONSIDERING also that the relevant material qualifies as “belonging to the person” within the meaning of rule 77 of the Rules, which the Prosecutor is under an obligation to “permit the defence to inspect” at an agreed location and time pursuant to the Single Judge’s Oral Decision dated 4 December 2014³;

NOTING article 67(1) of the Statute and regulation 23bis of the Regulations of the Court;

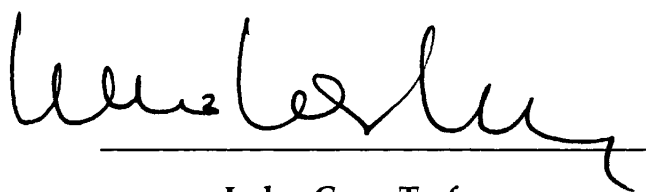
CONSIDERING that this decision is classified as public since it does not contain any information of a confidential nature and that a public redacted version of the Prosecutor’s Request should be promptly filed in the record;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Prosecutor’s Request;

ORDERS the Prosecutor to file a public redacted version of the Prosecutor’s Request by Monday 3 February 2014.

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



Judge Cuno Tarfusser
Single Judge

Dated this Friday, 31 January 2014
The Hague, The Netherlands

³ ICC-01/05-01/13-T-2-CONF-ENG, page 32, lines 17-19.