

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 20 November 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 “Narcisse Arido’s request for an extension of the page limit for the Defence’s leave to appeal the ‘Decision pursuant to Article 61(7) (a) and (b) of the Rome Statute’” dated 17 November 2014

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

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Paul Djunga

Counsel for Jean-Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basilia

Counsel for Narcisse Arido

Göran Kimo Sluiter

Legal Representatives of Victims

Legal Representatives of Applicants

**The Office of Public Counsel for
Victims**

The Office of Public Counsel for the Defence

States Representatives

REGISTRY

Registrar

Herman von Hebel

Detention Section

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

NOTING “Narcisse Arido’s request for an extension of the page limit for the Defence’s leave to appeal the ‘Decision pursuant to Article 61(7) (a) and (b) of the Rome Statute’” dated 17 November 2014 (“Mr Arido’s Request”)¹;

NOTING the “Decision on the ‘Prosecution request for a page limit extension for the document containing the charges’ dated 11 March 2014” dated 14 March 2014 (“14 March 2014 Decision”)², whereby the Chamber (i) considered *inter alia* that “it [wa]s indeed hardly likely that the page limits set forth in the Regulations were set envisaging a scenario where as many as five suspects were simultaneously involved” and that such page limits “should be adapted on a case-by-case basis in light of both the features and objectives of a specific submission and the overall circumstances of the proceedings at stake” and, accordingly, (ii) decided “that the document containing the charges, the submissions and the replies to be prepared by the Prosecutor and the Defence teams for the purposes of the confirmation of the charges shall not be subject to the page limit set forth in regulation 37(1) of the Regulations”;

NOTING regulations 36 and 37 of the Regulations of the Court;

CONSIDERING that the same reasoning leading to the 14 March 2014 Decision should also apply to the parties’ applications for leave to appeal the decision on the confirmation of the charges, if any;

CONSIDERING it appropriate to take this opportunity to reiterate that, as already stated in the 14 March 2014 Decision, what is critical for a judicial submission is that it be drafted bearing in mind the paramount need for exhaustiveness, clarity, thoroughness, factual and legal accuracy, in the interest

¹ ICC-01/05-01/13-757.

² ICC-01/05-01/13-256.

of both the relevant party and the overall efficiency of the judicial process and that the unnecessary stretching of a factual narration or a legal argument beyond what is strictly required for that narration or argument to be accurate and exhaustive has necessarily an adverse impact on its persuasiveness, to the very detriment of the relevant party, and that the more concise a submission, the more effective the argument;

CONSIDERING that, accordingly, it is to be expected that, should any of the parties elect to apply for leave to appeal the decision on the confirmation of the charges, they will only use as many pages as are required for the purposes of adequately making their case under article 82(1)(d) of the Statute;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

DECIDES that the parties' applications for leave to appeal the decision on the confirmation of the charges, if any, shall not be subject to the page limit set forth in regulation 37(1) of the Regulations of the Court.

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



Judge Cuno Tarfusser
Single Judge

Dated this Thursday, 20 November 2014
The Hague, The Netherlands