

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 11 March 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, AIME KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDELE BABALA WANDU
AND NARCISSE ARIDO***

Public

**Prosecution Request for a Page Limit Extension for the Document Containing the
Charges**

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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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Others

I. Introduction

1. The Office of the Prosecutor ("Prosecution") requests a page limit extension to 60 pages for the Document Containing the Charges ("DCC") under Regulation 37(2) of the Regulations of the Court ("RoC"). The extension constitutes exceptional circumstances and is necessary in this case.

II. Submissions

2. *First*, the Rome Statute ("Statute") requires that in the determination of any charge before the Court, a suspect be informed of its nature, cause and content.¹ This right extends to all crimes and offences within the Court's jurisdiction. The DCC in this case will contain all the key facts and circumstances underpinning the charges against five suspects for conduct occurring over a two-year period.² The five suspects are each charged with varying modes of liability, the constituent elements of which demand a clear exposition in order to provide the required detail and notice envisioned in the Statute and Regulations. Further, over 2,000 items of evidence have already been disclosed to the Defence in this case, and both the subject matter and the number of suspects involved in this case are matters of first impression before the Court.

3. Pleading these facts and circumstances with the clarity, detail, and precision required to provide the suspects with sufficient notice of the charges and their factual and legal basis requires more than 20 pages.³

¹ Article 67(1)(a) of the Statute; see also ICC-01/05-01/13-134, paras. 5-9.

² Regulation 52(b) of the RoC.

³ Regulation 37(1) of the RoC.

4. *Second*, the extension sought is consistent with the purpose of the DCC – to put the suspects on sufficient notice of the crimes charged and their basis, allowing their adequate and effective preparation for the confirmation of charges proceedings and for trial.

5. *Third*, the normally applicable page limit is, in this case, inadequate for the Prosecution to discharge its duty under Article 67(1)(a) of the Statute and under Regulation 52 of the RoC to “provide[] a sufficient legal and factual basis to bring the person or persons to trial”. The requested extension would provide the Prosecution with this ability, without being overly burdensome, allowing the Prosecution to devote 10 pages to each suspect, half the length applicable, were they separately charged.

6. Requests for similar page limit extensions have been granted previously for both single and/or double-accused cases.⁴

7. *Fourth*, the extension sought will not prejudice the Defence. To the contrary, each suspect will benefit from a more detailed factual description and legal characterisation of the charges.

⁴ See, e.g., ICC-02/11-01/11-582 (245 pages); ICC-01/04-02/06-170 (60 pages); ICC-02/11-01/11-112 (50 pages); ICC-01/04-01/10-248 (50 pages); ICC-02/05-03/09-76 (65 pages); ICC-01/09-01/11-154 (50 pages). See also recent Prosecution DCCs: ICC-02/11-01/11-592-Anx2-Corr2-Red (161 pages (244 pages according to the 300-words-per-page standard)); ICC-01/04-02/06-203-AnxA (60 pages); ICC-01/09-01/11-533-AnxA-Corr (54 pages).

III. Requested Relief

8. The Prosecution requests the Chamber to grant a page limit extension to 60 pages for the DCC under Regulation 37(2) of the RoC.

A handwritten signature in blue ink, appearing to read 'Fatou Bensouda', is written over a horizontal line.

Fatou Bensouda, Prosecutor

Dated this 11th Day of March 2014

At The Hague, The Netherlands