

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/05-01/08
Date: 29 December 2014

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

THE PROSECUTOR

v. JEAN-PIERRE BEMBA GOMBO

Public

Prosecution's Urgent Response to "Defence Request for extension of time"

Source: 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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Introduction and Submissions

1. The Defence for Bemba Gombo (“Defence”) filed a “Request for extension of time limit” (“Request”)¹ in which they seek the Appeals Chamber to order that applicable deadline for appealing the Trial Chamber’s 8 December 2014 Decision denying interim release be suspended for the duration of the judicial recess.²
2. Having reviewed the Defence’s submissions, the Prosecution opposes the Request for not establishing “good cause” justifying the requested redress. The Request is based on unsupported assertion that judicial recess generally establishes “good cause” for the suspension of time limits.³ Beyond this generalised assertion, the Request advances no exceptional reasons justifying any extension of time limits, let alone the overbroad remedy that time-limits be suspended for the entire duration of the judicial recess.
3. As repeatedly underscored by the Court, only exceptional circumstances will constitute “good cause” to justify variation of statutory time lines.⁴ This is because “any departure from the time limits set by the Rules or Regulations of the Court must not derail the proceedings from their ordained course, requiring that they be conducted and concluded within a reasonable time.”⁵
4. Judicial recess *per se* is not good cause for extension of time. The case-law invoked by the Defence does not support its assertions. No other compelling reason is raised to justify time extension. Moreover, the Request does not even

¹ ICC-01/05-01/08-3223

² Request, p. 5.

³ Request, para. 5.

⁴ See e.g., ICC-02/05-3/09-624, para. 6; ICC-02/11-01/12-53.

⁵ ICC-01/04-01/07-653 OA, para. 6. See also ICC-05-01/08-827 OA3, para. 10.

indicate a specific time line, and merely requests for suspension of time.

5. Respectfully submitted.

Word Count: 262⁶



Fatou Bensouda, Prosecutor

Dated this 29th day of December 2014
At The Hague, The Netherlands.

⁶ It is certified that this document contains the number of words specified and complies in all respects with the requirements of Regulation 36 of the RoC. This statement (51 words), not itself included in the word count, follows the Appeals Chamber's direction to "all parties" appearing before it: ICC-01/11-01/11-565 OA6, para.32.