



Original: **English**

No.: **ICC-01/05-01/08 OA3**

Date: **14 July 2010**

THE APPEALS CHAMBER

Before: Judge Anita Ušacka, Presiding Judge
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Daniel David Ntanda Nsereko

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

Public

**Prosecution's response to Defence request for extension of time to file its
document in support of the Defence appeal against the Decision on the
Admissibility and Abuse of Process Challenges**

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

Counsel for the Defence

Mr Nkwebe Liriss

Mr Aimé Kilolo-Musamba

Legal Representatives of Victims

Ms Marie Edith Douzima-Lawson

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

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 24 June 2010, Trial Chamber III rejected the challenge to admissibility and motion for abuse of process.¹ The Defence of Jean-Pierre Bemba (“Appellant”) has appealed this decision.²
2. The Appellant has requested an extension of time to file his document in support of this appeal.³ While he recognises that time limits ordinarily run from the notification of a decision in its original language, he requests an extension in this case until 21 days after the notification of the appealed decision in French, *inter alia* because of the size of the appealed decision and the complexity and importance of the issues involved.⁴
3. The Prosecution does not oppose a limited extension, but opposes the extensive and open-ended extension sought by the Appellant. As the Appellant recognised,⁵ the fact that a decision is notified in a language which is not the primary language of a team does not in itself warrant an extension of time.
4. The Prosecution expects that the Defence should already have made substantial progress on the appeal, notwithstanding that the fact that the language of the decision may present challenges for the Appellant himself. The Prosecution particularly notes that the defence team has the assistance of an interpreter specifically to help with documents filed in English.⁶ In addition, a substantial portion of the 100-page decision summarises the proceedings and pleadings of the parties and participants (many of which

¹ ICC-01/05/01/08-802 (“Appealed Decision”).

² ICC-01/05-01/08-804-Corr2-tENG OA3.

³ ICC-01/05/01/08-820 OA3. This application was filed on 13 July 2010. The Appeals Chamber has ordered that the Prosecution file any response by 4pm on 14 July 2010 (ICC-01/05/01/08-822 OA3).

⁴ *Ibid*, para. 6.

⁵ *Ibid*, para. 6.

⁶ See ICC-01/05-01/08-T-14-ENG, 7 October 2009, p. 35, lines 10-22.

were in French).⁷ As a result, the Prosecution does not consider that the Appellant has demonstrated a need for a full 21 days after the notification of the decision in French.

5. For the reasons set out above, the Prosecution does not oppose granting a confined extension of time for the Appellant to file his document in support of appeal, but requests that the Appeals Chamber prescribe a finite extension.



Luis Moreno-Ocampo,
Prosecutor

Dated this 14th day of July 2010
At The Hague, The Netherlands

⁷ The analysis and conclusions constitute approximately one quarter of the entire Decision, commencing on page 74 of 102.