



Original: **English**

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

Date: **24/11/2016**

TRIAL CHAMBER VII

**Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan**

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 with Confidential Annex A

**Request for Trial Chamber for Extension of Time to Add a Document to its List of
Exhibits for Sentencing**

Source: Defence for Mr. Jean-Pierre Bemba Gombo

Document to be notified in accordance with regulation 31 of the *Regulations of the Court to:*

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Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Other

Introduction

1. In accordance with the Order of the Trial Chamber,¹ the Bemba Defence filed its List of Exhibits for Sentencing² on 23 November 2016.
2. Prior to filing the List of Exhibits for Sentencing, Counsel for Mr Bemba had made inquiries by telephone with the Registry as to whether it could confirm in writing the nature of the arrangements made in order to accommodate privileged communications with Mr. Bemba during breaks in the court hearings during the Trial Phase. ('Written Confirmation of Arrangements')
3. It was the intention of the Bemba Defence to include the Written Confirmation of Arrangements from the Registry as part of its List of Exhibits for Sentencing.
4. At the time of filing, the Registry was uncertain if it would be in a position to provide the Written Confirmation of Arrangements, and as such, the Bemba Defence did not request an extension of time to add it to its List of Exhibits for Sentencing.
5. On 24 November 2016, Counsel for Mr Bemba received the Written Confirmation of Arrangements from the Registry.³
6. Consequently, the Bemba Defence hereby applies to the Trial Chamber pursuant to Regulation 35(2) of the Regulations of the Court ('RoC'), to vary the time limit applicable to its List of Exhibits for Sentencing, such that the Written Confirmation of Arrangements may be included.

Submissions

7. Regulation 35(2) of the RoC authorises the Trial Chamber to extend time limits "if good cause is shown," and if the participant seeking the extension can demonstrate an inability to file the application within the time limit "for reasons outside his or her control."

¹ ICC-01/05-01/13-2025

² ICC-01/05-01/13-2048

³ Confidential Annex A

8. The Bemba Defence submits that both elements of Regulation 35(2) are satisfied in these circumstances.
9. There is good cause to include the Written Confirmation of Arrangements in the List of Exhibits for Sentencing since the information contained therein is relevant to and probative of issues concerning the nature of restrictions that applied to Mr Bemba during the Trial Phase of the instant case.
10. Further, there is no issue of prejudice to any other party, since the subject matter of the Written Confirmation of Arrangements was already raised in submissions made by the Bemba Defence,⁴ and simply corroborates those facts in a neutral manner.
11. Finally, as stated above, the Bemba Defence was demonstrably not previously in a position to file the Written Confirmation of Arrangements, as for reasons beyond its control, the Registry had not yet indicated whether it could comply with the Bemba Defence's request to provide the Written Confirmation of Arrangements.
12. The Bemba Defence respectfully submits that it would be in the interests of justice to authorise the amendment of its List of Exhibits for Sentencing in order to include the Written Confirmation of Arrangements.

Relief sought

13. For the foregoing reasons, the Bemba Defence requests the Honourable Trial Chamber to grant an extension of time to allow the Defence to add the Written Confirmation of Arrangements to its List of Exhibits for Sentencing.

⁴ See for example: ICC-01/05-01/13-2020-Conf-Exp



Melinda Taylor
Counsel of Mr. Jean-Pierre Bemba

Dated this 24th day of November 2016

The Hague, The Netherlands