

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 2 December 2008

PRE-TRIAL CHAMBER III

Before: Judge Ekaterina Trendafilova, Single Judge

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

**Public
URGENT**

Decision on the Postponement of the Confirmation Hearing

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

The Office of the Prosecutor

Fatou Bensouda, Deputy Prosecutor
Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Nkwebe Liriss
Karim A. A. Khan
Aimé Kilolo-Musamba

Legal Representatives of the Victims

Legal Representatives of the 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
Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. **Judge Ekaterina Trendafilova**, acting as Single Judge on behalf of Pre-Trial Chamber III (the “Chamber”) of the International Criminal Court (the “Court”)¹ recalls that on 31 October 2008 the Chamber scheduled the hearing on the confirmation of charges from 8 to 12 December 2008 and fixed a calendar in order to ensure the proper disclosure process (the “Decision of 31 October 2008”).²

2. The Single Judge notes articles 39(2)(b)(iii), 57(2)(a), 61(7) and 67 of the Rome Statute (the “Statute”) and rules 76 to 78 and 121 of the Rules of Procedure and Evidence (the “Rules”).

3. The Single Judge notes article 39(2)(b)(iii) of the Statute which states that the functions of the Chamber shall be carried out either by three judges of the Pre-Trial Division or by a single judge of that division in accordance with the Statute and the Rules.

4. The Single Judge underlines that, pursuant to article 57(2)(a) of the Statute, orders and rulings of a Pre-Trial Chamber issued under article 61(7) of the Statute must be concurred in by a majority of its judges. In this regard, the Single Judge also notes the chapeau of article 61(7) of the Statute which states that the “Pre-Trial Chamber shall, on the basis of the [confirmation] hearing, determine whether there is sufficient evidence to establish substantial grounds to believe that the person committed each of the crimes charged”. Thus, the confirmation of charges hearing must be held before the full Chamber.

5. The Single Judge notes that since the Presidency granted leave of absence to a judge of the Chamber due to grave family circumstances until January 2009, the

¹ ICC-01/05-01/08-293.

² ICC-01/05-01/08-199.

Chamber is not in a position to carry out its functions under article 61(7) of the Statute for the confirmation hearing currently scheduled from 8 to 12 December 2008.

6. In these circumstances, the confirmation hearing must be postponed and the Single Judge envisages 12 January 2009 as the earliest possible date for conducting the hearing. However, the exact date will be determined in a decision to be issued by 29 December 2008.

7. Accordingly, the Single Judge is of the view that with respect to the time-limits governing the process of disclosure set out in rule 121 of the Rules, the parties should for the time being adhere to 12 January 2009.

FOR THESE REASONS, THE SINGLE JUDGE

a) decides to postpone the confirmation hearing until January 2009, and taking into consideration paragraph 6 of this decision, seeks the parties' observations by 17 December 2008 on the exact date of the hearing.

b) orders the parties to adhere to 12 January 2009 for the purpose of disclosure obligations.

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



Judge Ekaterina Trendafilova
Single Judge

Dated this Tuesday, 2 December 2008

At The Hague, The Netherlands