

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 16 June 2009

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

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

Public Document

**Decision to Hold a Hearing pursuant to Rule 118(3) of the Rules of Procedure and
Evidence**

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
Pierre Legros

Legal Representatives of the Victims

Marie Edith Douzima-Lawson
Paolina Massidda

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

Judge Ekaterina Trendafilova, acting as Single Judge on behalf of Pre-Trial Chamber II of the International Criminal Court (the “Court”) renders this decision to hold a hearing on Mr Jean-Pierre Bemba Gombo’s (“Mr Jean-Pierre Bemba”) pre-trial detention.

1. On 23 May 2008 Pre-Trial Chamber III issued a warrant of arrest against Mr Jean-Pierre Bemba,¹ and on 24 May 2008 he was arrested in the Kingdom of Belgium.
2. On 10 June 2008 Pre-Trial Chamber III issued the “Decision on the Prosecutor’s Application for a Warrant of Arrest against Jean-Pierre Bemba Gombo” (the “10 June 2008 Decision”).² On the same date, Pre-Trial Chamber III issued a new warrant of arrest, which entirely replaced the one of 23 May 2008.³
3. On 3 July 2008 Mr Jean-Pierre Bemba was surrendered to the seat of the Court where his first appearance took place before Pre-Trial Chamber III on 4 July 2008.⁴
4. On 20 August and 16 December 2008 the Single Judge acting on behalf of Pre-Trial Chamber III issued two decisions on the Defence’s applications concerning Mr Jean-Pierre Bemba’s interim release, in which, it was decided that the suspect shall continue to be detained⁵.
5. On 19 March 2009 the Presidency decided to merge Pre-Trial Chamber III with Pre-Trial Chamber II and to assign the situation in the Central African Republic (the “CAR”) to Pre-Trial Chamber II (the “Chamber”).⁶

¹ ICC-01/05-01/08-1.

² ICC-01/05-01/08-14-tENG.

³ ICC-01/05-01/08-15.

⁴ ICC-01/05-01/08-T-3-ENG ET.

⁵ Pre-Trial Chamber III, ICC-01/05-01/08-73-Conf; ICC-01/05-01/08-321.

⁶ Presidency, ICC-01/05-22; ICC-01/05-01/08-390.

6. On 23 March 2009 the Chamber issued the “Decision Designating Single Judges” in which *inter alia* it designated Judge Ekaterina Trendafilova as Single Judge of this Chamber with respect to the situation of the CAR and the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, except for all victims’ issues, until decided otherwise.⁷

7. On 14 April 2009 Judge Ekaterina Trendafilova, acting as Single Judge on behalf of the Chamber issued the “Decision on Application for Interim Release” in which she *inter alia* rejected the Defence’s third application for interim release and decided that Mr Jean-Pierre Bemba shall continue to be detained.⁸

8. On 15 June 2009 the Chamber issued the “Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo”, in which, it was decided *inter alia* that there is substantial grounds to believe that the accused is criminally responsible under article 28(a) of the Statute for two counts of crimes against humanity and three counts of war crimes and to commit him to a Trial Chamber.

9. The Single Judge notes articles 60(2) and (3) of the Rome Statute (the “Statute”), and rule 118 of the Rules of Procedure and Evidence (the “Rules”).

10. The Single Judge notes, in particular, rule 118(3) of the Rules, according to which, the Chamber must hold a hearing on Mr Jean-Pierre Bemba’s interim release or continued detention “at least once every year”.

11. The Single Judge considers that, since the one-year period referred to in rule 118(3) of the Rules will expire on 3 July 2009, it is required to hold a hearing prior to the said date in order to listen to the parties before deciding on Mr Jean-Pierre Bemba’s interim release or continued detention.

⁷ Pre-Trial Chamber II, ICC-01/05-24; ICC-01/05-01/08-393.

⁸ Pre-Trial Chamber II, ICC-01/05-01/08-403.

FOR THESE REASONS, THE SINGLE JUDGE

decide to hold a public hearing on Monday 29 June 2009 at 14 hours in court room 1 to be attended by the Prosecutor, the Defence and the Registrar or her representative;

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



Judge Ekaterina Trendafilova
Single Judge

Dated this Tuesday, 16 June 2009

At The Hague, The Netherlands