

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 August 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 on the Request for Extension of Time

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 (the “Chamber”) of the International Criminal Court,¹ is seized of a request for extension of time by the Republic of South Africa to submit its observations pursuant to regulation 51 of the Regulations of the Court (the “Regulations”).

1. On 14 April 2009 Judge Ekaterina Trendafilova, acting as Single Judge on behalf of the Chamber, issued the “Decision on Application for Interim Release” (the “14 April 2009 Decision”) pursuant to article 60(3) of the Rome Statute (the “Statute”) in which she, *inter alia*, rejected the Defence’s third application for interim release² and decided that “the 120-day period for review set out in rule 118(2) of the Rules shall start running anew as of the date of notification of this decision”.³ The Single Judge notes that such review must take place until 14 August 2009.

2. On 29 June 2009 the Single Judge held a hearing (the “Hearing”) “for the sake of considering any issue related to the pre-trial detention of Mr. Bemba”.⁴ At the Hearing the Defence requested the interim release of Mr Jean-Pierre Bemba to the Kingdom of Belgium, the Republic of France and the Republic of Portugal.⁵ In addition, the Single Judge requested that those States submit their observations by no later than 10 July 2009.⁶

3. On 2 July 2009 the Defence requested to add the Federal Republic of Germany, the Italian Republic and the Republic of South Africa to the list of States to which Mr Jean-Pierre Bemba seeks to be released.⁷

¹ Pre-Trial Chamber II, Decision Designating Single Judges, ICC-01/05-01/08-393.

² ICC-01/05-01/08-333-Conf and annexes.

³ Pre-Trial Chamber II, ICC-01/05-01/08-403.

⁴ Pre-Trial Chamber II, Decision to Hold a Hearing pursuant to Rule 118(3) of the Rules of Procedure and Evidence”, ICC-01/05-01/08-425; *ibid.*, ICC-01/05-01/08-T-13-ENG WT.

⁵ Pre-Trial Chamber II, ICC-01/05-01/08-T-13-ENG WT, p. 22, lines 2-6 and p. 31, lines 5-8.

⁶ ICC-01/05-01/08-T-13-ENG WT, p. 64, lines 11-20.

⁷ ICC-01/05-01/08-433.

4. On 6 July 2009 the Single Judge received a request of the Kingdom of Belgium⁸ to be granted an extension of time until 24 July 2009 to submit their observations, which was granted by the Single Judge on 8 July 2009.⁹

5. On 10 July 2009 the Single Judge requested the Federal Republic of Germany, the Italian Republic and the Republic of South Africa to submit their observations in accordance with regulation 51 of the Regulations on (i) the request for interim release and (ii) the conditions, if any, that would have to be met to enable the States, to which Mr Jean-Pierre Bemba seeks to be released, to accept him on their territory by no later than 7 August 2009.¹⁰

6. On 13 July 2009 the Single Judge received the observations of the Republic of Portugal,¹¹ the Republic of France¹² and the Kingdom of the Netherlands¹³, as requested by the Single Judge at the Hearing of 29 June 2009.

7. On 24 July 2009 the Single Judge received the observations of the Kingdom of Belgium as requested by the Single Judge.¹⁴

8. On 29 July 2009 the Single Judge received additional observations of the Republic of Portugal on the application for interim release of Mr Jean-Pierre Bemba.¹⁵

9. On 6 August 2009 the Single Judge received a request of the Republic of South Africa for an extension of time until 28 August 2009 in order to submit its observations.¹⁶

⁸ ICC-01/05-01/08-438, p. 7, para. 3 and confidential annex 2.

⁹ Pre-Trial Chamber II, "Decision on the Belgian Authorities' Request for Extension of Time Limit", ICC-01/05-01/08-442.

¹⁰ Pre-Trial Chamber II, "Decision Seeking Observations on the Defence's Request for Interim Release", ICC-01/05-01/08-446.

¹¹ ICC-01/05-01/08-448-Conf-Anx1.

¹² ICC-01/05-01/08-448-Conf-Anx2.

¹³ ICC-01/05-01/08-448-Conf-Anx3.

¹⁴ ICC-01/05-01/08-461-Conf-Anx2.

¹⁵ ICC-01/05-01/08-465-Conf-Anx2.

10. The Single Judge notes regulation 51 of the Regulations, according to which the Chamber “shall seek observations from the host State and from the State to which the person seeks to be released” for the purposes of a decision on interim release.

11. The Single Judge also notes regulation 35(2) of the Regulations, according to which, “the Chamber may extend or reduce a time limit if good cause is shown”.

12. The Single Judge recalls that a similar request for extension of time has been granted to the Kingdom of Belgium, having satisfied the aforesaid requirements of regulation 35(2) of the Regulations.

13. With respect to the present request, the Single Judge would have preferred that more detail had been given to substantiate “good cause” for the extension of time.

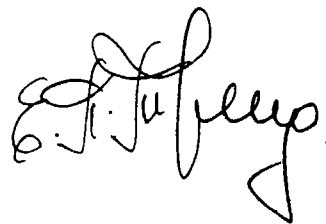
14. However, bearing in mind that the observations of the Republic of South Africa are to be submitted by tomorrow, 7 August 2009, the Single Judge nevertheless wishes to extend the time limit in order to consider the observations of the Republic of South Africa. On the other hand, those observations must be submitted *before* the issuance of a decision pursuant to article 60(3) of the Statute. Thus, the Single Judge considers that the requested extension of time cannot be granted fully but must be adjusted to the circumstances of the present case.

¹⁶ ICC-01/05-01/08-468, p. 7, and confidential annex 2 *ex parte*, only available to the Registry. The Single Judge, being aware of the confidential, *ex parte* nature of the annex does not consider its mention to be inconsistent with its confidential, *ex parte* nature as such.

FOR THESE REASONS, THE SINGLE JUDGE

Grants the Republic of South Africa an extension of time until **Wednesday, 12 August 2009**, at 16h00 to submit its observations pursuant to regulation 51 of the Regulations.

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



Judge Ekaterina Trendafilova
Single Judge

Dated this Thursday, 6 August 2009

At The Hague, The Netherlands