

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 25 August 2011

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

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

**URGENT
Confidential**

**Decision requesting observations on, and setting a briefing schedule for, the
« Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin
d'accomplir ses devoirs civiques en République Démocratique du Congo »**

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo Musamba

Legal Representatives of the Victims

Ms Marie Edith Douzima-Lawson
Mr Assingambi Zarambaud

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber III ("Chamber") of the International Criminal Court in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Decision requesting observations on, and setting a briefing schedule for, the "Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo".

1. On 24 August 2011, the defence filed its "Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo" ("Request for Provisional Release"),¹ requesting the Chamber to authorize the provisional release of Mr Bemba to travel to the Democratic Republic of the Congo before 5 September 2011 to obtain a voting card and to file his candidacy for the upcoming presidential and parliamentary elections.²
2. The defence seeks a ruling on the Request for Provisional Release before the end of August and requests a shortened briefing schedule to accommodate that timeframe.³
3. In accordance with Article 21(1) of the Rome Statute ("Statute"), the Chamber has considered Article 64(6)(f) of the Statute, Rule 118 of the Rules of Procedure and Evidence and Regulations 24, 34 and 35 of the Regulations of the Court ("Regulations").
4. Under Regulation 35 of the Regulations, a Chamber "may extend or reduce a time limit if good cause is shown". It appears that the Request for Provisional Release would become moot if the Chamber ruled only after receiving submissions under the time limits prescribed in Regulation 34 of

¹ Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo, 24 August 2011, ICC-01/05-01/08-1639-Conf and four confidential annexes.

² *Ibid.*, paragraphs 1 and 36(d).

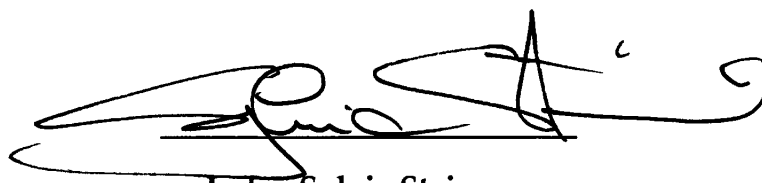
³ *Ibid.*, paragraphs 3 and 36(a).

- the Regulations. This constitutes good cause for a reduction of the usual time limits.
5. Although the Chamber is not required in the present circumstances to seek the views of victim applicants whose applications for participation in the proceedings have not yet been ruled upon, it may nevertheless benefit from receiving observations from the Office of Public Counsel for Victims ("OPCV"). For this reason, the Chamber, in an exercise of its discretion under Article 64(6)(f) of the Statute, will permit the OPCV to file observations on the Request for Provisional Release if it so wishes, on behalf of those victim applicants whose applications have not yet been ruled upon.
6. For these reasons, the Trial Chamber hereby ORDERS that:

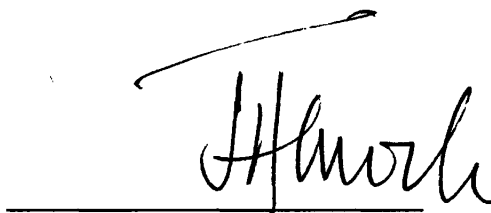
(a) The prosecution, legal representatives of victims and the OPCV shall submit their observations on the Request for Provisional Release no later than 16.00 on Monday, 29 August 2011;

(b) The defence shall submit its reply, if any, to the observations of the prosecution, legal representatives of victims and the OPCV no later than 10.00 on Tuesday, 30 August 2011.


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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this Thursday 25 August 2011

At The Hague, The Netherlands