

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 May 2014

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

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

Decision amending the calendar for the confirmation of the charges

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Ghislain Mabanga

Counsel for Jean-Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Göran Sluiter

Legal Representatives of Victims

Legal Representatives of Applicants

**The Office of Public Counsel for
Victims**

The Office of Public Counsel for the Defence

States Representatives

REGISTRY

Registrar

Herman von Hebel

Detention Section

I, Judge Cuno Tarfusser, having been designated as Single Judge of Pre-Trial Chamber II of the International Criminal Court;

NOTING the “Decision on the ‘Prosecution’s request for variation of time limits pursuant to regulation 35 of the Regulations of the Court concerning the confirmation of charges” dated 14 March 2014 (“First Amendment Decision”)¹, partially granting the “Prosecution’s request for variation of time limits pursuant to regulation 35 of the Regulations of the Court concerning the confirmation of charges” dated 3 March 2014², amending the calendar initially set for the confirmation of the charges and setting 30 May 2014 as the new date for the submission of the Prosecutor’s document containing the charges and list of evidence;

NOTING that, in the First Amendment Decision, the Single Judge *inter alia* considered that the availability of Independent Counsel’s final report to the parties and to the Court appeared of essence to the determinations to be made by the Chamber under article 61 of the Statute and that, accordingly, the persisting unavailability of Independent Counsel’s final report constituted “good cause” for postponement within the meaning of regulation 35 of the regulations of the Court;

NOTING the “Decision on the reclassification and filing into the record of material provided by the Dutch judicial authorities” dated 16 May 2014³, whereby the Single Judge *inter alia* (I) noted that one of the envelopes released by the Dutch authorities “contained ‘report on findings of the examining magistrate and information on the historical data and wire taps’, that is material relating to the technical investigative activities carried out by the Dutch authorities further

¹ ICC-01/05-01/13-255.

² ICC-01/05-01/13-234-Red.

³ ICC-01/05-01/13-403.

to the 'Decision on the Prosecutor's "Request for judicial order to obtain evidence for investigation under Article 70"' dated 29 July 2013 and the relevant subsequent decisions by the Dutch judicial authorities" and (II) ordered the Registrar to file the contents of such envelope in the record of the case, as soon as practicable and on a confidential basis;

NOTING the "Troisième rapport du Conseil indépendant (période du 16 octobre au 23 novembre 2013)" filed by Independent Counsel on 22 May 2014 on a confidential *ex parte* basis, reclassified as confidential and made available to the parties on 26 May 2014⁴;

NOTING that the First Amendment Decision considered that postponement should be strictly and precisely correlated with the need to ensure the availability of Independent Counsel's third and final report to the Court and to the parties and, accordingly, amended the calendar in light of information then received by the Dutch authorities, to the effect that Independent Counsel's third and final report would not be transmitted to the Court earlier than during the first week of May 2014;

NOTING articles 57(3)(a), 60, 61, 67, 70(2) of the Statute; rules 121 and 167 of the Rules of Procedure and Evidence and regulation 35(2) of the Regulations of the Court;

CONSIDERING that, since Independent Counsel's third and final report was made available to the parties almost four weeks later than expected at the time of the First Amendment Decision, it is appropriate that the calendar for the confirmation of the charges in writing be accordingly amended;

⁴ ICC-01/05-01/13-421-Conf, with confidential annex.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

DECIDES to amend the calendar for the confirmation of the charges in writing as follows:

- the Prosecutor shall have until **30 June 2014** for the filing of her document containing the charges and list of evidence;
- the Defence teams shall have until **15 July 2014** for the filing of their respective lists of evidence, if any;
- both the Prosecutor and the Defence teams shall have until **30 July 2014** for the filing of their written submissions in lieu of hearing;
- the Prosecutor shall have until **7 August 2014** for the filing of her reply to the written submissions of the Defence teams;
- the Defence teams shall have until **14 August 2014** for the filing of their reply to the Prosecutor's written submissions;

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



Judge Cuno Tarfusser
Single Judge

Dated this Wednesday, 28 May 2014

The Hague, The Netherlands