



Original: English

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

Date: 8 December 2014

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***

Public

**Order shortening the time limit for observations on
"Urgent Motion for Provisional Release"**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Ms Melinda Taylor

Legal Representatives of the Victims

Ms Marie-Edith Douzima Lawson

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**

Mr Xavier-Jean Keita

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Trial Chamber III ("Chamber") of the International Criminal Court ("Court"), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, hereby issues the following Order shortening the time limit for observations on "Urgent Motion for Provisional Release".

1. On 5 December 2014, the defence for Mr Jean-Pierre Bemba ("defence") filed its "Urgent Motion for Provisional Release" ("Defence Motion"),¹ in which it requests that the Chamber:²

GRANT Mr. Bemba's provisional release for period of the deliberations prior to rendering of a Judgement pursuant to Article 74, to either Belgium or Portugal; or in the alternative

GRANT Mr. Bemba's provisional release for the period of the judicial winter recess and during the weekends prior to a rendering of a Judgement pursuant to Article 74 to either Belgium or Portugal.

2. Under the heading "Request for abridged period for [...] responses and decision", the defence submits that:³

Following the Trial Chamber's Decision on 26 November 2014, the Defence has acted with due diligence in bringing the present request before the Chamber. Regardless, the period of the winter recess is fast approaching, necessitating an abridgement of the time within which the Prosecution and Legal Representatives of Victims may file any response. Both the Prosecution and the LRVs have been in possession of the Defence's arguments on abuse of process for 34 days, and as such no prejudice arises from an abridgement of the time period for responses.

3. Noting that the winter judicial recess is scheduled to commence on Friday 12 December 2014,⁴ and considering the time required for the Chamber to take an informed decision, the Chamber is not in a position to decide on the Defence Motion prior to the commencement of the recess. Further, the Chamber recalls

¹ Urgent Motion for Provisional Release, 5 December 2014, ICC-01/05-01/08-3211.

² ICC-01/05-01/08-3211, page 18.

³ ICC-01/05-01/08-3211, paragraph 56.

⁴ See ICC-01/05-01/08-3211, footnotes 12 and 60.

that in its “Decision on defence request for an extension of the page limit”,⁵ it rejected the Defence Request for Relief for Abuse of Process⁶ and the addendum thereto⁷ as non-compliant with Regulation 37(1) of the Regulations of the Court (“Regulations”). The defence’s argument that the Office of the Prosecutor and the legal representative “have been in possession of the Defence’s arguments on abuse of process for 34 days” is therefore inapposite.

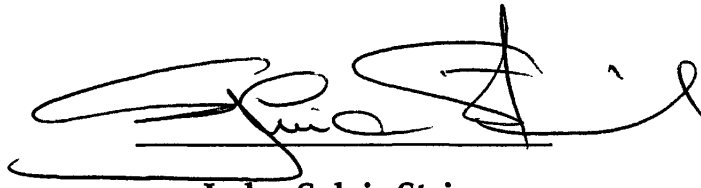
4. However, in order to issue the decision as expeditiously as possible, and pursuant to Regulation 34 of the Regulations, the Chamber considers that an abridgement of the time limit for the submission of observations is warranted.
5. Accordingly, the Chamber hereby ORDERS that:
 - (a) Any response to the Defence Motion be filed by 16.00 on 12 December 2014;
and
 - (b) Any reply be filed by 16.00 on 15 December 2014.

⁵ Decision on defence request for an extension of the page limit, 26 November 2014, ICC-01/05-01/08-3210, paragraph 12(a).

⁶ Defence Request for Relief for Abuse of Process, 11 November 2014, ICC-01/05-01/08-3203-Conf-Exp with confidential *ex-parte* Annexes I to III and confidential Annexes IV to IX. The defence filed confidential and public redacted versions of its filing on 25 November 2014, respectively: ICC-01/05-01/08-3203-Conf-Red and ICC-01/05-01/08-3203-Red2 with Annexes IV to VIII-Red.

⁷ Addendum to Defence Request for Relief for Abuse of Process, ICC-01/05-01/08-3203, 18 November 2014, ICC-00/05-01/08-3207-Conf-Exp, this document was reclassified as confidential on 26 November 2014. Further, on 25 November 2014, the defence filed a public redacted version of Document 3207: ICC-01/05-01/08-3207-Red.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 8 December 2014

At The Hague, the Netherlands