

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 July 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

Urgent

Decision on the Belgian Authorities' Request for Extension of Time Limit

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

Competent authorities of the
Kingdom of Belgium

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Defence Support Section

Deputy Registrar

Didier D. Preira

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”), is seised of a request for extension of time limit submitted by the Kingdom of Belgium through the Registry.

1. On 23 May 2008 Pre-Trial Chamber III issued a warrant of arrest against Mr Jean-Pierre Bemba Gombo (“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”.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 detained.⁵
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 in 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 sufficient evidence to establish 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

9. On 16 June 2009 the Single Judge issued the “Decision to Hold a Hearing pursuant to Rule 118(3) of the Rules of Procedure and Evidence”.¹⁰

10. On 29 June 2009 the Single Judge conducted the hearing, during which, She requested the Republic of Portugal, the Kingdom of Belgium, the Republic of France, and the Kingdom of the Netherlands to submit their observations no later than 10 July 2009 on “[...] Mr. Jean-Pierre Bemba’s interim release; and [...], the conditions if any, that would need to be imposed pursuant to Rule 119 of the Rules of Procedure and Evidence to enable the states in which Mr. Bemba seeks to be released to accept

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.

⁹ Pre-Trial Chamber II, ICC-01/05-01/08-424.

¹⁰ Pre-Trial Chamber II, ICC-01/05-01/08-425.

him on their territory”.¹¹ The Single Judge also ordered the Registrar to “notify the relevant authorities of [...] [these States] of [the] hearing and to transmit [to them][...][the] public transcript in its original language” as well as the Defence’s written submission that was filed on 2 July 2009.¹²

11. On 2 July 2009 the Defence and the Prosecutor filed their additional observations on Mr Jean-Pierre Bemba’s request for interim release.¹³

12. On 6 July 2009 the Registrar filed its report on the “Transmission of the request of the Kingdom of Belgium for extension of time limit to submit observations on the request for interim release of Mr. Jean-Pierre Bemba Gombo submitted during the hearing on 29 June 2009” (the “Registrar’s Report”).¹⁴ According to the Registrar’s Report, the Belgian authorities requested an extension of time limit until 24 July 2009 to submit their observations on Mr. Jean-Pierre Bemba’s request for interim release.¹⁵

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

14. The Single Judge examined the reasons for extension of time limit developed by the Belgian authorities in their letter annexed to the Registrar’s Report and considers that the Kingdom of Belgium has shown good cause, which justifies granting its request.

FOR THESE REASONS, THE SINGLE JUDGE

¹¹ ICC-01/05-01/08-T-13-ENG WT 29-06-2009, p.64, lines 11-20.

¹² ICC-01/05-01/08-T-13-ENG WT 29-06-2009, p. 64, lines 21-25 and p. 65, line 1.

¹³ “Notes supplétives aux Soumissions Orales de la Défense lors de l’Audience du 29 Juin 2009”, ICC-01/05-01/08-432 ; “Prosecution’s Additional Observations on Interim Release pursuant to Rule 118(3) of the Rules of Procedure and Evidence”, ICC-01/05-01/08-431.

¹⁴ ICC-01/05-01/08-438 and its annexes.

¹⁵ ICC-01/05-01/08-438, p. 7.

Grants the Kingdom of Belgium an extension of time limit until Friday 24 July 2009, at 16h00 to submit its observations in compliance with the Single Judge's oral request of 29 June 2009.

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

A handwritten signature in black ink, appearing to read 'E. Trendafilova', written in a cursive style.

Judge Ekaterina Trendafilova
Single Judge

Dated this Wednesday, 8 July 2009

At The Hague, The Netherlands