

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 19/01/2015

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**

Confidential

Urgent Defence Request for Partial Reconsideration of the Decision on "Defence Request for a Hearing and for Leave to Reply to the Prosecution Response to Defence Request for Relief for Abuse of Process", ICC-01/05-01/08-3233

Source: Defence for Mr. Jean-Pierre Bemba Gombo

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

The Office of the Prosecutor

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Jean-Jacques Badibanga

Counsel for the Defence

Peter Haynes QC

Kate Gibson

Melinda Taylor

Legal Representatives of the Victims

Marie-Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented

(Participation/Reparation)

Applicants

The Office of Public Counsel for Victims

Paolina Massidda

**The Office of Public Counsel for the
Defence**

Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. SUBMISSIONS

1. By way of this morning's Decision on "Defence Request for a Hearing and for Leave to Reply to the Prosecution Response to Defence Request for Relief for Abuse of Process",¹ Trial Chamber III ("the Chamber") ordered the Defence to file its Reply to the Prosecution Response by tomorrow, 20 January 2014.

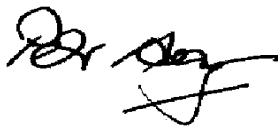
2. The Defence Request for a Stay of Proceedings for Abuse of Process² was, Mr. Bemba's Closing Brief aside, arguably the most significant filing of the present case. In 40 pages, the Defence set out extensive legal and factual submissions as to why Mr. Bemba's right to a fair trial has been ruptured, irreparably. The Prosecution Response was also 40 pages in length, and raised a wealth of submissions and, critically, contained numerous unsworn assertions of fact concerning the conduct of both the Prosecution and the Independent Counsel. The legal issues raised in both the Defence Request and the Prosecution Response are not only technical and complex, but are also, to a large extent, novel, given that the encroachment on the privileged and confidential information owned by Mr. Bemba and his lawyers is to an extent unprecedented in international criminal law.

3. In such circumstances, the Defence respectfully requests that the Chamber reconsider the deadline imposed, and order that the Defence reply be filed by Monday, 26 January 2014. This limited extension will allow the Defence an opportunity to conduct necessary and comparative legal research on the issues raised by the Prosecution Response, seek instructions from Mr. Bemba, in light of the Chamber's rejection of the request for an oral hearing, and tailor its arguments to comply with the 20-page limit.

¹ ICC-01/05-01/08-3233.

² ICC-01/05-01/08-3217-Conf-Red.

The whole respectfully submitted.

A handwritten signature in black ink, appearing to read 'Peter Haynes', with a stylized flourish at the end.

Peter Haynes QC
Lead Counsel of Mr. Jean-Pierre Bemba

The Hague, The Netherlands

19 January 2015