

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 23 July 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***

Public

**Decision on “Defence Request for Leave to Reply to the Prosecution’s
Response to ‘Defence request for a stay of proceedings and request for further
disclosure’”**

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 Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, issues the following Decision on “Defence Request for Leave to Reply to the Prosecution’s Response to ‘Defence request for a stay of proceedings and request for further disclosure’” (“Decision”).

1. On 19 June 2015, the Defence for Mr Jean-Pierre Bemba Gombo (“Defence”) filed its “Defence request for a stay of proceedings and request for further disclosure” (“Request for Stay of Proceedings”),¹ in which it requests that the Chamber:²

ORDER the Prosecution to review its archives and disclose all material which is material to the preparation of the defence, including but not limited to that material generated during the course of its investigations into the credibility of Defence witnesses; and

ORDER a stay of proceedings; or, in the alternative

REMAIN SEIZED of the matter in terms of forthcoming Defence requests for investigative assistance, delay of delivery of the Judgement in the present case, and admission of materials generated from investigations into the information contained in the Prosecution’s delayed disclosure.

2. On 13 July 2015, the Prosecution filed its “Prosecution’s Response to ‘Defence request for a stay of proceedings and request for further disclosure’”,³ in which it requests that the Chamber reject the Defence Application, submitting that the Defence “fails to demonstrate the

¹ Defence request for a stay of proceedings and request for further disclosure, 19 June 2015, ICC-01/05-01/08-3257-Conf with confidential Annexes A and B. A public redacted version was filed on the same day: ICC-01/05-01/08-3257-Red.

² ICC-01/05-01/08-3257-Red, para. 47.

³ Prosecution’s Response to “Defence request for a stay of proceedings and request for further disclosure”, 13 July 2015, ICC-01/05-01/08-3265-Conf. A public redacted version was filed on 20 July 2015: ICC-01/05-01/08-3265-Red.

requisite threshold for a stay of proceedings and it fails to justify its request for further disclosure”.⁴

3. On 21 July 2015, the Defence filed its “Defence Request for Leave to Reply to the Prosecution’s Response to ‘Defence request for a stay of proceedings and request for further disclosure’” (“Request for Leave to Reply”),⁵ in which it “seeks leave to present a focused and limited reply to the arguments contained in the Prosecution Response” on 11 issues.⁶
4. The Chamber is of the view that it may benefit from the Defence’s views on the issues set out in its Request for Leave to Reply. However, the Chamber stresses that the Defence’s reply must be narrowly tailored to only address new issues raised in the Defence Response and avoid repetitious submissions on matters already addressed in the Request for Stay of Proceedings. In this respect, the Chamber notes the Defence’s submission that it seeks to present “a focused and limited reply”.⁷ With the above in mind and taking into account the specific issues on which the Defence seeks leave to reply, the Chamber considers, pursuant to Regulation 37(1) of the Regulations of the Court (“Regulations”), that it is appropriate that the Defence’s reply be limited to no more than 15 pages.

⁴ ICC-01/05-01/08-3265-Red, para. 44.

⁵ Defence Request for Leave to Reply to the Prosecution’s Response to “Defence request for a stay of proceedings and request for further disclosure”, 21 July 2015, ICC-01/05-01/08-3271.

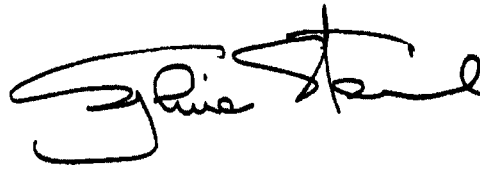
⁶ ICC-01/05-01/08-3271, para 8.

⁷ ICC-01/05-01/08-3271, para 8.

5. In view of the above, the Chamber hereby:

- a. GRANTS the Request for Leave to Reply, pursuant to Regulation 24(5) of the Regulations;
- b. ORDERS that the Defence's reply be filed no later than 24 July 2015, pursuant to Regulation 34(c) of the Regulations; and
- c. ORDERS that the Defence's reply not exceed 15 pages, pursuant to Regulation 37(1) of the Regulations.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 23 July 2015

At The Hague, the Netherlands