

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 November 2008

PRE-TRIAL CHAMBER III

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

**Decision on the Defence's Request for Leave to Reply on the Motion for
Provisional Release dated 24 November 2008**

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
Tjarda E. Van der Spoel
Aimé Kilolo-Musamba

Legal Representatives of the Victims

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

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Ekaterina Trendafilova, acting as Single Judge for Pre-Trial Chamber III (the “Chamber”) of the International Criminal Court (the “Court”),¹ is seised with the Defence’s “Request for leave to reply in relation to the motion for provisional release” (the “Defence’s Request”)² filed on 24 November 2008.

1. The Single Judge recalls that on 3 November 2008 the Defence filed an application for interim release pursuant to article 60 (2) of the Rome Statute (the “Application”).³ On 12 November 2008 the Chamber requested the Prosecutor and the relevant authorities of the Kingdom of Belgium, the Republic of Portugal and the Kingdom of the Netherlands to submit observations on the Application.⁴ On 18 November 2008 the Prosecutor filed its response to the Application (the “Prosecution’s Response”).⁵ On 24 and 25 November 2008, respectively, the Registrar transmitted the observations of the Kingdom of Belgium⁶ and the Kingdom of the Netherlands⁷ on the Application.

2. The Single Judge notes regulations 24(5) and 34 of the Regulations of the Court (the “Regulations”).

3. Having considered the Application, the Single Judge is of the opinion that the Defence has shown good cause to grant leave to reply to the Prosecutor’s Response.

4. Finally, the Single Judge underlines that, according to the chapeau of regulation 34 of the Regulations, the Chamber may establish a time limit other than the 10-day time limit provided for in regulation 34 (c) of the Regulations.

¹ “Decision Designating a Single Judge”, ICC-01/05-01/08-293.

² ICC-01/05-01/08-276.

³ “Requête de Mise en Liberté Provisoire”, ICC-01/05-01/08-200 and its annexes (ICC-01/05-01/08-200-Anx1 to Anx3).

⁴ “Decision Requesting Observations on the Defence’s Application for Interim Release”, ICC-01/05-01/08-238.

⁵ “Prosecution’s Response to Defence’s “Requête de Mise en Liberté Provisoire”, ICC-01/05-01/08-262.

⁶ “Second report of the Registrar concerning the Observations Received on the Defence’s Application for Interim Release of Mr. Jean-Pierre Bemba Gombo”, ICC-01/05-01/08-280 and its confidential annexes (ICC-01/05-01/08-280-Conf-Anx1-3), in particular, ICC-01/05-01/08-280-Anx3.

⁷ “Additional Observations received in relation to the ‘Second Report of the Registrar concerning the Observations Received on the Defence’s Application for Interim Release of Mr. Jean-Pierre Bemba Gombo’”, ICC-01/05-01/08-288 and its confidential annex (ICC-01/05-01/08-288-Conf-Anx1).

FOR THESE REASONS, THE SINGLE JUDGE

- a) **grants** the Defence's Request.

- b) **gives** the Defence until Monday, 1 December 2008, at 16h00, to file its reply to the Prosecution's Response.

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



Judge Ekaterina Trendafilova
Single Judge

Dated this Thursday 27 November 2008

At The Hague, The Netherlands