

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 July 2010

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge Joyce Aluoch

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
v. JEAN-PIERRE BEMBA GOMBO**

Public Document

Order postponing the commencement of the trial

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo-Musamba

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**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

1. The trial in the case of the *Prosecutor v. Jean-Pierre Bemba Gombo* is presently scheduled to commence on 14 July 2010 at 14.30.
2. Previously, the trial had been due to commence on 5 July 2010, but on 25 June 2010 the Chamber issued its Order postponing the commencement of the trial and adjourned the date to 14 July 2010, for the following reasons:

Due to administrative reasons, in particular the likely change in the composition of the Bench, and to facilitate necessary preparation for the commencement of the trial, pursuant to Article 64(3)(a) of the Rome Statute, and Rule 132 of the Rules of Procedure and Evidence, the trial date of 5 July 2010 is vacated.¹

3. On 28 June 2010 the defence filed its "Acte d'Appel de la Défense contre la décision de la Chambre de Première Instance III du 24 Juin 2010 intitulée 'Decision on the Admissibility and Abuse of Process Challenge'".²
4. On 5 July 2010, the defence filed its "Demande de l'effet suspensif relatif à l'Acte d'Appel de la Défense contre la décision de la Chambre de Première Instance III du 24 Juin 2010 intitulée 'Decision on the Admissibility and Abuse of Process Challenge.'"³ The defence applied for the suspension of the current proceedings before Trial Chamber III, pending the Appeals Chamber's Decision on the merits of the appeal.
5. The consequence of the application to the Appeals Chamber for suspensive effect is that the trial, as a matter of principle, should not commence, at least until the application for suspension has been resolved. It would be inappropriate for the Chamber to commence a trial when there is an outstanding issue for determination by the Appeals Chamber as to whether the proceedings (seemingly in their entirety) should be suspended, pending

¹ Order postponing the commencement of the trial, 25 June 2010, ICC-01/05-01/08-803, paragraph 2.

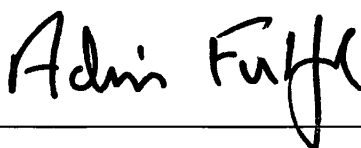
² ICC-01/05-01/08-804-Corr OA03.

³ ICC-01/05-01/08-809 OA03.

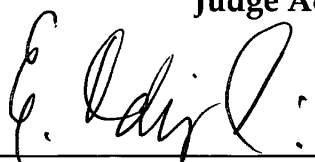
the outcome of the substantive appeal. In addition, as set out during a status conference on 8 March 2010, it is in the interests of justice for this challenge to be resolved prior to the commencement of the trial.⁴

6. In the event, the trial date is vacated, and the Chamber fixes a status conference for 30 August 2010, when, *inter alia*, the Chamber will hear submissions on re-fixing the trial date.
7. The accused's detention is to be reviewed by the Chamber prior to 30 July 2010, as set out in Articles 60(3) and (4) and 61(11) of the Rome Statute as well as Rule 118(2) of the Rules of Procedure and Evidence, given that 120 days will have passed since the last review. The Office of the Prosecutor and the legal representatives are instructed to file their submissions addressing this issue by 15 July 2010 and the defence is to file its submissions by 22 July 2010.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge Joyce Aluoch

Dated this 7 July 2010

At The Hague, The Netherlands

⁴ Transcript of hearing on 8 March 2010, ICC-01/05-01/08-T-20-Red-ENG CT2, page 14.