



Original: English

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

Date: 28 June 2016

**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 Redacted Version of “Decision on the defence « Demande  
d’autorisation de répliquer conformément à la norme 24(5) du Règlement  
de la Cour »”, ICC-01/05-01/08-1513 of 14 June 2011**

**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**

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**Registrar**

Mr Herman von Hebel

**Defence Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations Section**

**Other**

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court” or “ICC”) in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Decision on the defence “Demande d’autorisation de répliquer conformément à la norme 24(5) du Règlement de la Cour”, filed on 13 June 2011.

1. On 3 July 2008, Mr Jean-Pierre Bemba Gombo (“Mr Bemba”) was surrendered to the seat of the Court by the authorities of the Kingdom of Belgium. Since then, he has been detained at the ICC detention centre. Mr Bemba’s trial commenced on 22 November 2010.
2. On 17 December 2010, the Chamber issued its “Decision on the review of detention of Mr Jean-Pierre Bemba Gombo pursuant to the Appeals Judgment on 19 November 2010”,<sup>1</sup> by which the Chamber ordered that Mr Bemba remain in detention for the course of the proceedings in his case.<sup>2</sup>
3. On 3 May 2011, the defence filed its “Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo” (“Provisional Release Application”),<sup>3</sup> requesting the interim release of Mr Bemba into the Kingdom of Belgium to spend time with his wife and children [REDACTED]. The Provisional Release Application is limited to the Court’s summer judicial recess (Friday 15 July 2011 at 17.30 to Monday 8 August 2011 at 09.00) and every weekend or every other weekend.
4. On 12 May 2011, the Chamber issued its Decision requesting observations on the « Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba

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<sup>1</sup> Decision on the review of detention of Mr Jean-Pierre Bemba Gombo pursuant to the Appeals Judgment on 19 November 2010, 17 December 2010, ICC-01/05-01/08-1088.

<sup>2</sup> ICC-01/05-01/08-1088, paragraph 48.

<sup>3</sup> Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo, 3 May 2011, ICC-01/05-01/08-1387-Conf and five annexes thereto; Corrigendum Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo, 3 May 2011, ICC-01/05-01/08-1387-Conf-Corr and five annexes thereto; Corrigendum to Application for the interim release of Mr Jean-Pierre Bemba Gombo, 3 May 2011, ICC-01/05-01/08-1387-Conf-Corr-tENG and five annexes thereto.

Gombo », in which the Chamber invited the Kingdom of Belgium, among others, to submit observations on Mr Bemba's request for provisional release.<sup>4</sup>

5. On 10 June 2011, the Registry filed the "Transmission des observations du Royaume de Belgique relative à la demande de mise en liberté provisoire" ("Observations of the Kingdom of Belgium").<sup>5</sup>
6. On 13 June 2011, the defence filed its "Demande d'autorisation de répliquer conformément à la norme 24(5) du Règlement de la Cour" ("Request"),<sup>6</sup> in which it (i) seeks leave, pursuant to Regulation 24(5) of the Regulations of the Court ("Regulations"), to respond to the Observations of the Kingdom of Belgium; and (ii) proposes to file such response within 48 hours of leave being granted.<sup>7</sup>
7. The Chamber considers that in its Request, the defence has shown good cause why it should be granted leave to reply to the Observations of the Kingdom of Belgium. In particular, the Chamber agrees with the defence that the Chamber's consideration of Mr Bemba's Provisional Release Application may be assisted by defence submissions regarding the confidentiality and security concerns and issues of Belgian law raised in the Observations of the Kingdom of Belgium.
8. Accordingly, the Chamber hereby:

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<sup>4</sup> Decision requesting observations on the « Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo », 12 May 2011, ICC-01/05-01/08-1398-Conf, paragraph 8(d).

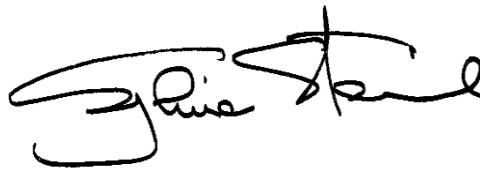
<sup>5</sup> Transmission des observations du Royaume de Belgique relative à la demande de mise en liberté provisoire, 10 June 2011, ICC-01/05-01/08-1505-Conf and three confidential annexes.

<sup>6</sup> Demande d'autorisation de répliquer conformément à la norme 24(5) du Règlement de la Cour, 13 June 2011, ICC-01/05-01/08-1506-Conf.

<sup>7</sup> Demande d'autorisation de répliquer conformément à la norme 24(5) du Règlement de la Cour, 13 June 2011, ICC-01/05-01/08-1506-Conf, paragraphs 2 and 6.

- (a) GRANTS the Request, pursuant to Regulation 24(5) of the Regulations;  
and
- (b) ORDERS the defence to submit its views on the Observations of the Kingdom of Belgium no later than 16.00 on Thursday 16 June 2011.

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



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**Judge Sylvia Steiner**



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**Judge Joyce Aluoch**



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**Judge Kuniko Ozaki**

Dated this 28 June 2016

At The Hague, The Netherlands