



Original: **French**

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

Date: **28 June 2010**

THE APPEALS CHAMBER

Before: Judge Akua Kuenyehia
Judge Sang-Hyun Song
Judge Erkki Kourula
Judge Anita Ušacka
Judge Daniel David Ntanda Nsereko

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
*THE PROSECUTOR v. Jean-Pierre Bemba Gombo***

Public Document

**Defence Notice of Appeal Against the Decision of Trial Chamber III of 24 June
2010 entitled *Decision on the Admissibility and Abuse of Process Challenge***

Source: Defence Team 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

Fatou Bensouda
Petra Kneur

Counsel for the Defence

Nkwebe Liriss
Aimé Kilolo Musamba

Legal Representatives of the Victims

Marie-Edith Douzima Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Paolina Massida

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

Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar and Deputy Registrar

Silvana Arbia and Didier Daniel Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Defence for Mr Jean-Pierre Bemba Gombo hereby appeals the *Decision on the Admissibility and Abuse Process Challenge*¹ of Pre-Trial Chamber III, rendered on 24 June 2010 (“the impugned decision”).
2. This appeal is entered in accordance with article 81(1)(a) of the Rome Statute and rule 154(1) of the Rules of Procedure and Evidence, pursuant to which an appeal to the Appeals Chamber following a decision on admissibility may be filed within five days of notification of the impugned decision and without prior leave of the Trial Chamber.
3. Under article 83(2) of the Rome Statute, the Appeals Chamber has jurisdiction to review the proceedings under appeal in order to verify that they were not unfair in a way that affected the reliability of the decision. Moreover, the Appeals Chamber has the power to determine whether or not the impugned decision was materially affected by error of fact or law.
4. In reliance on all the established criteria for entering an appeal as referred to in paragraph 3 above, and pursuant to article 83(2)(a) of the Rome Statute, the Defence requests the Appeals Chamber to reverse the impugned decision and to find that the proceedings against the Accused are inadmissible.
5. In accordance with regulation 64(2) of the Regulations of the Court and within 21 days of notification of the impugned decision of Trial Chamber III, the Defence will file a brief setting out the grounds of appeal and/or the legal reasons in support thereof.

¹ ICC-01/05-01/08-802.

[signed]

Aimé Kilolo Musamba
Associate Counsel

[signed]

Nkwebe Liriss
Lead Counsel

Dated this 28 June 2010
At The Hague, the Netherlands