

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: **English**

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

Date: **29 August 2011**

**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***

**Confidential**

**Observations on the « Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo » filed by Mr. Bemba on 24 August 2011**

**Source: Office of Public Counsel for Victims**

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

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo  
Ms Fatou Bensouda

**Counsel for the Defence**

Mr Nkwebe Liriss  
Mr Aimé Kilolo-Musamba

**Legal Representatives of Victims**

Ms Marie-Edith Douzima-Lawson  
Mr Assingambi Zarambaud

**Legal Representatives of 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 & Deputy Registrar**

Ms Silvana Arbia & Mr Didier Preira

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. Procedural Background

1. On 24 August 2011, the Defence of Mr Bemba filed confidentially and urgently the « Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo » (the "Defence's Request")<sup>1</sup>.

2. On 25 August 2011, Trial Chamber III urgently issued the « Decision requesting observations on, and setting a briefing schedule for, the « Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo »<sup>2</sup>, requesting, *inter alia*, the Office of Public Counsel for Victims (the "OPCV" or the "Office") to provide its observations on behalf of victim applicants it represents by no later than Monday 29 August 2011.

3. Despite this decision, the Office was not notified of the Defence's Request itself. Only on 26 August 2011 at 10.42 am, following an email from the Office to the Chamber's legal officer at 9.10 pm the previous evening immediately after the Decision was issued,<sup>3</sup> was the Defence Request disclosed upon order by the Chamber<sup>4</sup>. Besides, the request of the OPCV for a one-day extension of the time-limit to respond was denied by the Chamber<sup>5</sup>.

---

<sup>1</sup> See the "Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo", No. ICC-01/05-01/08-1639-Conf, 24 August 2011.

<sup>2</sup> See the "Decision requesting observations on, and setting a briefing schedule for, the « Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo »" (Trial Chamber III), No. ICC-01/05-01/08-1649-Conf, 25 August 2011.

<sup>3</sup> See the email sent by the Principal Counsel of the OPCV to the Legal Adviser of Trial Chamber III on 25 August 2011 at 9.10 pm.

<sup>4</sup> See the notification email sent by the Court Management Section to the OPCV on 26 August 2011 at 10.42 am, as well as the email sent by the Legal Adviser of the Chamber to the Principal Counsel of the OPCV on 26 August 2011 at 9.44 am.

<sup>5</sup> See the email sent by the Legal Adviser of the Chamber to the Principal Counsel of the OPCV on 26 August 2011 at 9.44 am.

4. The present submission is filed "Confidential" following the classification of the Defence's Request and the Chamber's Decision.

## II. Observations of the Office

5. The late notification and availability of the Defence's submission constrains the Office's capacity to offer comprehensive submissions on the Request. An examination of the Request manifestly shows, however, that no material changes of circumstance have arisen since the previous Applications for release were submitted and rejected<sup>6</sup>. The Principal Counsel accordingly relies upon and adopts her previous submissions in response to those previous Applications<sup>7</sup>, and urges the Chamber to reach the same result, and reject the Defence's Request.



**Paolina Massidda**  
**Principal Counsel**

Dated this 29<sup>th</sup> day of August 2011  
At The Hague, The Netherlands

---

<sup>6</sup> See the "Decision on Applications for Provisional Release" (Trial Chamber III), No. ICC-01/05-01/08-1565-Conf, 27 June 2011.

<sup>7</sup> See the "Observations des victimes demanderesses sur la Demande d'autorisation de sortie sous le bénéfice de l'extrême urgence déposée par la Défense de M. Bemba le 10 juin 2011", No. ICC-01/05-01/08-1540-Conf, 17 June 2011.