



Original: **English**

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

Date: **24 May 2018**

**THE PRESIDENCY**

**Before:** Judge Chile Eboe-Osuji, President  
Judge Robert Fremr, First Vice-President  
Judge Marc Perrin de Brichambaut, Second Vice-President

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC**

*The Prosecutor v. Jean-Pierre Bemba Gombo*

**Public, with confidential Annex I and public redacted version of Annex I**

**Notification concerning ‘Mr. Bemba’s request for recusal of Trial Chamber III from the reparations proceedings’**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda  
Mr James Stewart

**Counsel for the Defence**

Mr Peter Haynes  
Ms Kate Gibson

**Legal Representatives of the Victims**

Ms Marie-Edith Douzima-Lawson

**The Office of Public Counsel for Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keïta

---

**REGISTRY**

---

**Registrar**

Mr Herman von Hebel

**Other**

Trial Chamber III

**Victims and Witnesses Unit**

Mr Niger Verrill

**Trust Fund for Victims**

Mr Pieter de Baan

**Victims Participation and Reparation  
Section**

Mr Philipp Ambach

THE PRESIDENCY of the International Criminal Court notes that on 28 February 2018, the defence for Mr Jean-Pierre Bemba Gombo filed ‘Mr Bemba’s request for recusal of Trial Chamber III from the reparations proceedings’ (the ‘Request’).<sup>1</sup> On 13 March 2018, as ordered by the Presidency,<sup>2</sup> Mr Bemba clarified that the Request should be transmitted to a plenary of judges to be treated as a request for disqualification pursuant to article 41(2)(b) and (c) of the Rome Statute.<sup>3</sup> Mr Bemba seeks the disqualification of the judges of Trial Chamber III in its composition as of 28 February 2018 from any further involvement in the reparations proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.<sup>4</sup>

At a plenary session held on 28 March 2018, the judges of the Court decided that the Request is moot insofar as it concerns Judge Aluoch, who is no longer a member of Trial Chamber III or a judge of this Court and therefore could not be disqualified from the Chamber.

The Presidency further notes that on 21 March 2018, the Office of the Public Counsel for Victims (the ‘OPCV’), acting as legal representative of applicants for reparations, submitted a response to the Request<sup>5</sup> and that on 26 March 2018, Mr Bemba sought leave to reply to the response.<sup>6</sup> The Presidency hereby provides notice that the judges of the Court have considered that they do not require further submissions on any of the issues identified by Mr Bemba to assist their consideration of the merits of the Request, and that they have therefore rejected Mr Bemba’s request for leave to reply. The OPCV and Mr Bemba are instructed to file forthwith a public redacted version of their respective filings, or seek public reclassification thereof, as appropriate.

<sup>1</sup> ICC-01/05-01/08-3611-Conf. A public redacted version was filed on 9 March 2018.

<sup>2</sup> ‘Presidency decision concerning “Mr Bemba’s request for recusal of Trial Chamber III from the reparations proceedings”’, 8 March 2018, ICC-01/05-01/08-3615. In the decision, the Presidency noted that it had no power to ‘order the recusal of Trial Chamber III’, as requested by Mr Bemba, and clarified that any matter relating to the disqualification of a judge falls within the decision-making remit of the judges of the Court, acting in plenary session. The Presidency therefore ordered Mr Bemba to clarify whether the Request should be transmitted to a plenary of judges to be treated as a request for disqualification pursuant to articles 41(2)(b) and (c) of the Rome Statute. The Presidency’s decision was initially issued as confidential, but reclassified public on 9 March 2018.

<sup>3</sup> ‘Submissions in relation to “Presidency decision concerning “Mr. Bemba’s request for recusal of Trial Chamber III from the reparations proceedings”’, 13 March 2018, ICC-01/05-01/08-3616.

<sup>4</sup> The Presidency notes that Trial Chamber III was composed, as of 28 February 2018, of Judges Joyce Aluoch, Geoffrey Henderson and Chang-ho Chung. The office of Judge Joyce Aluoch came to an end on 10 March 2018. As of 20 March 2018, Trial Chamber III is now composed of Judges Geoffrey Henderson, Chang-ho Chung and Kimberly Prost: *see* ‘Decision assigning judges to divisions and recomposing Chambers’, 16 March 2018, *e.g.* ICC-01/05-01/08-3617.

<sup>5</sup> ‘Response to the Defence Request for Trial Chamber III Recusal’, 21 March 2018, ICC-01/05-01/08-3618-Conf.

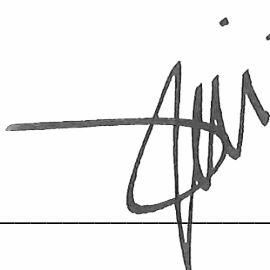
<sup>6</sup> ‘Request for Leave to Reply to “Response to the Defence Request for Trial Chamber III Recusal”’, 26 March 2018, ICC-01/05-01/08-3620-Conf.

The Presidency hereby notifies that a plenary session of the judges shall be convened on 13 June 2018 to address the Request.<sup>7</sup>

Further, the Presidency hereby informs the defence that on 29 March 2018, pursuant to article 41(2)(c) of the Rome Statute and rule 34(2) of the Rules of Procedure and Evidence, the persons concerned by the disqualification requested were requested by the Presidency to make any written observations. The observations thereby received on 9 April 2018 are annexed to this present notification.<sup>8</sup>

The Presidency hereby orders the Registrar to transmit this notification to all parties and participants in the case.

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

---

**Judge Chile Eboe-Osuji**  
**President**

Dated this 24 May 2018

At The Hague, The Netherlands

---

<sup>7</sup> The scheduling and holding of the plenary session is without prejudice to the outcome of the pending appeals in the present case.

<sup>8</sup> Confidential Annex I, with a public redacted version.