



Original: **English**

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

Date: **18/07/2016**

THE APPEALS CHAMBER

Before: Judge Christine Van den Wyngaert, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Chile Eboe-Osuji
Judge Piotr Hofmański

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO

Public

**Response from Lead Counsel for Mr. Jean-Pierre Bemba to the order of the
Appeals Chamber of 13 July 2016 (ICC-01/05-01/08-3406)**

Source: Defence for Mr. Jean-Pierre Bemba Gombo

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

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I. INTRODUCTION

1. On 28 June 2016, Associate Counsel, Melinda Taylor, informed the appellant, Mr. Jean-Pierre Bemba, and Lead Counsel, Peter Haynes, of her intention to withdraw as counsel in case numbered ICC-01/05-01/08 (“the Main Case”). On 1 July, having consulted with the appellant, Lead Counsel indicated to Ms. Taylor that both he and the client were content to permit her to do so. On 4 July, Associate Counsel filed a “Request for Leave to Withdraw”.¹

2. The appellant in this case has been deemed non-indigent, notwithstanding the fact that his assets have been frozen by the Court.² Since pre-trial, by orders of the chambers, his legal team has been funded by a system of monthly advances by the Registry of the ICC.³ Those sums have been loaned to the appellant. A substantial amount of the advanced fees has already been recovered after the appellant assisted the Registry in the realisation of some of his assets.⁴ The monthly sum advanced has remained consistent throughout the trial, sentencing and appeal phases to date, save for a voluntary reduction in staffing levels by the defence following the completion of arguments in the trial phase.

3. As the Appeals Chamber is aware, the appellant is also charged with offences against the administration of justice under ICC-01/05-01/13 (“the Article 70 case”). In relation to that case, the appellant has been deemed partially indigent.⁵ Following the conclusion of the evidence and closing arguments in that case however, all funding was terminated. The appellant was concerned that resources be deployed in the most effective and efficient way across both cases, however, once the Article 70 case entered the deliberation phase, his primary concern was the instant appeal.

¹ ICC-01/05-01/08-3402.

² ICC-01/05-01/08-8.

³ ICC-01/05-01/08-568.

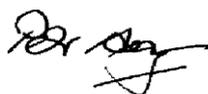
⁴ ICC-01/05-01/08-3232-Conf-Exp-Corr.

⁵ ICC-01/05-01/08-3376-Conf, fn.228.

4. Immediately prior to Ms. Taylor's withdrawal, Mr. Bemba's legal team was engaged in the process of expanding the Main Case team by the assignment of two part-time consultants. That process should have been completed by the date of this filing. However, following Ms. Taylor's withdrawal, and in an endeavour to ensure there is no undue interruption to the process of filing the document in support of appeal, a request for the assignment of a replacement counsel, and a legal assistant has now been made to the Registry. The additional costs will represent an increase in the monthly lump sum more recently advanced, but will remain within the limits of the sum deemed appropriate by the Trial Chamber.

5. Assuming there is no significant delay in the appointment of these individuals, nor in agreement to the proposed level of advance, no foreseeable difficulty will arise in Mr. Bemba's continued representation.

The whole respectfully submitted.



Peter Haynes QC

Lead Counsel for Mr. Jean-Pierre Bemba

Done at The Hague, The Netherlands, 18 July 2016

It is hereby certified that this document contains a total of 636 words and complies in all respects with the requirements of regulation 36 of the Regulations of the Court.