



Original: English

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

Date: 25 July 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 document with public annex
Decision on request for leave to withdraw**

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

The Office of the Prosecutor

Ms Fatou Bensouda
Ms Helen Brady

Counsel for the Defence

Mr Peter Haynes
Ms Melinda Taylor

Legal Representative of 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 Keita

REGISTRY

Registrar

Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III entitled “Judgment pursuant to Article 74 of the Statute” of 21 March 2016 (ICC-01/05-01/08-3343),

Having before it the “Request for leave to withdraw” of 4 July 2016 (ICC-01/05-01/08-3402),

Renders the following

DECISION

Ms Melinda Taylor’s request for leave to withdraw as Associate Counsel for Mr Jean-Pierre Bemba Gombo in case ICC-01/05-01/08 is granted.

REASONS

1. On 4 July 2016, Associate Counsel for Mr Jean-Pierre Bemba Gombo (“Mr Bemba”) filed, without providing reasons, a “Request for leave to withdraw”¹ (“Associate Counsel’s Request”). Associate Counsel submitted that Mr Bemba and his Lead Counsel had both consented to her withdrawal and that she had undertaken to comply fully with all ongoing obligations under the Code of Professional Conduct for counsel.²
2. On 18 July 2016, in compliance with the Appeals Chamber’s order for further information,³ both Associate Counsel⁴ and Lead Counsel⁵ filed submissions in relation to Associate Counsel’s Request.
3. Associate Counsel submits that she has decided to seek leave to withdraw from the representation of Mr Bemba in the present case in view of her concurrent involvement in the representation of Mr Bemba in the proceedings regarding article

¹ ICC-01/05-01/08-3402 (A).

² Associate Counsel’s Request, paras 2-3.

³ “Order regarding request for leave to withdraw”, 13 July 2016, ICC-01/05-01/08-3406 (A).

⁴ “Reasons for the Request for Leave to Withdraw”, ICC-01/05-01/08-3407 (A) (“Associate Counsel’s Reasons”).

⁵ “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)”, ICC-01/05-01/08-3408 (A) (“Lead Counsel’s Submissions”).

70 of the Statute and difficulties relating to the funding of legal representation in that case.⁶ Associate Counsel avers that legal experts have been contacted who are available to provide legal advice and assistance to Mr Bemba, if sufficient funds are provided.⁷ She submits that her withdrawal enables the funds that would have been allocated to her from 1 July 2016 onwards to be allocated to such international legal specialists.⁸ She further submits that Mr Bemba and his Lead Counsel are in the process of appointing an associate counsel and a legal assistant.⁹

4. Lead Counsel confirms that, prior to Associate Counsel filing her request for leave to withdraw, he and Mr Bemba had indicated that they “were content to permit her to do so”.¹⁰ Lead Counsel also confirms that a request for the assignment of a replacement counsel and a legal assistant has been made to the Registry and that “[a]ssuming 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”.¹¹

5. The Appeals Chamber observes that Mr Bemba and his Lead Counsel have consented to the withdrawal of Associate Counsel and that continuity in Mr Bemba’s representation is ensured by the retention of both Lead Counsel and Co-Counsel, who would appear to be the principal advocates in the defence team. The Appeals Chamber notes Associate Counsel’s undertaking to comply fully with all ongoing obligations under the Code of Professional Conduct for counsel. The Appeals Chamber has also taken note of the fact that the Registrar has been seized of the issue of Mr Bemba’s representation.

6. In view of the foregoing, Associate Counsel’s Request is granted.

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

⁶ Associate Counsel’s Reasons, paras 3-33.

⁷ Associate Counsel’s Reasons, para. 35.

⁸ Associate Counsel’s Reasons, para. 35.

⁹ Associate Counsel’s Reasons, para. 36.

¹⁰ Lead Counsel’s Submissions, para. 1.

¹¹ Lead Counsel’s Submissions, paras 4-5.



Judge Christine Van den Wyngaert
Presiding Judge

Dated this 25th day of July 2016

At The Hague, The Netherlands