

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: French

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

Date: 27 September 2011

**APPEALS CHAMBER**

**Before:** Judge Sang-Hyun Song  
Judge Akua Kuenyehia  
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***

**Confidential  
Urgent**

**Defence appeal against Trial Chamber III's decision of 26 September 2011 entitled  
*Decision on the accused's application for provisional release in light of the Appeals  
Chamber's judgment of 19 August 2011***

**Source:** Defence team of 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  
Fabricio Guariglia

**Counsel for the Defence**

Nkwebe Liriss  
Aimé Kilolo Musamba

**Legal Representatives of Victims**

Marie-Edith Douzima Lawson  
Zarambaud Assingambi

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**Office of Public Counsel for Victims**

**Office of Public Counsel for the  
Defence**

**States' Representatives**

*Amicus Curiae*

**REGISTRY**

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**Registry**

Silvana Arbia

**Deputy Registrar**

Didier Preira

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. On 26 September 2011, Trial Chamber III issued its *Decision on the accused's application for provisional release in light of the Appeals Chamber's judgment of 19 August 2011*<sup>1</sup> denying Mr Jean-Pierre Bemba Gombo interim release to the territory of [REDACTED]
2. The Defence for Mr Jean-Pierre Bemba Gombo hereby appeals against the aforementioned decision of Trial Chamber III.
3. The appeal is being lodged against the impugned decision in its entirety, on the legal and factual grounds which will be set out in a separate document pursuant to regulation 64(5) of the Regulations of the Court.
4. Under article 82(1)(b) of the Rome Statute, the parties may appeal against a decision granting or denying release of the person being investigated or prosecuted.
5. Under rule 154 of the Rules of Procedure and Evidence, the relevant appeal may be filed not later than five days from the date upon which the party filing the appeal was notified of the decision.
6. Said decision was notified to the Defence this Monday, 26 September; the appeal is therefore being filed within the time limit.
7. Furthermore, under regulation 64(5) of the Regulations of the Court, the document in support of the appeal shall be filed by the appellant within seven days of notification of the relevant decision.

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<sup>1</sup> *Decision on the accused's application for provisional release in light of the Appeals Chamber's judgment of 19 August 2011*, ICC-01/05-01/08-1789-Conf.

8. This appeal is extremely urgent and requires a ruling as soon as possible so that the Accused may effectively exercise his right to appeal under article 83 of the Rome Statute, insofar as the Defence's application for release pertains to those periods during which the Chamber will not sit for at least three consecutive days, including long weekends and periods of judicial recess.<sup>2</sup>
9. In the instant case, Trial Chamber III will not sit from 10 to 14 October 2011.
10. In view of the urgency of the matter, the time limits for the parties to file their observations should therefore be kept to an absolute minimum and, if necessary, a status conference should be held to allow the parties to make their observations orally.
11. Since the impugned decision is confidential, the Defence is also submitting this appeal on a confidential basis.

**For these reasons,**

12. Pursuant to article 83(2)(a) of the Rome Statute, the Defence respectfully requests the Appeals Chamber to allow this appeal,

Firstly and in light of the extreme urgency;

13. To reduce the time limits for the parties and participants to submit their observations; And to make a ruling at its next sitting, if possible before 10 October 2011, to set aside the impugned decision;

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<sup>2</sup> "Document in support of Defence Appeal against Trial Chamber III's decision on Applications for Provisional Release, dated 27 June 2011", ICC-01/05-01/08-1586-Conf, 01-07-2011, para. 41, point (1)(b), p. 18.

And consequently,

14. To order the interim release of Mr Jean-Pierre Bemba Gombo to the territory of [REDACTED] during the periods of judicial recess and all periods during which the Chamber will not sit for at least three consecutive days, including long weekends.

[signed]

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Aimé Kilolo Musamba  
Associate Counsel

Dated this 27 September 2011

At The Hague, The Netherlands