



Original: **English**

No.: **ICC-01/05-01/13**

Date: **08/06/2018**

TRIAL CHAMBER VII

**Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan**

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

THE PROSECUTOR

***v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO MUSAMBA, JEAN-JACQUES
MANGENDA KABONGO, FIDÈLE BABALA WANDU AND NARCISSE ARIDO***

Public

Urgent Request

Source: Defence for 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
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Christopher Gosnell
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Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

Xavier-Jean Keïta

States' Representatives

Amicus Curia

Registrar

Peter Lewis

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section **Other**

1. The Defence for Mr. Jean-Pierre Bemba respectfully requests the Trial Chamber to convene an urgent hearing for the purpose of allowing the Defence to apply for Mr. Bemba's immediate release.
2. On 8 June 2018, Mr. Bemba was acquitted of all charges in the Main Case. He is now detained exclusively under the remit of the Article 70 Trial Chamber. As confirmed by the Appeals Chamber, Mr. Bemba has the right to be credited with any time – subsequent to 23 November 2013 – that is not exhausted by the ICC Main case sentence. The Appeals Chamber's determination includes all periods from that date, including the period for which a release decision was issued, but never executed, leaving his Article 70 detention intact.
3. That means that apart from the fact that Mr. Bemba was detained for almost 5 ½ years prior to the Article 70 arrest for charges for which he was acquitted, he has also been detained for over 4 and 6 and ½ months since the Article 70 warrant as served on him. That is more than two thirds the maximum penalty, and over four times more than the custodial sentence initially imposed in this case. Any further detention would ultimately predetermine the Chamber's decision on sentence.
4. Ultimately, Mr. Bemba has been detained and separated from his family for over 10 ½ years – the only confirmed justification being Article 70 offences. Apart from technical issues of credit, this framework – that is, that he has already been kept in a custodial setting for over 10 ½ years, militates in favour of an urgent resolution of the Defence application for release.
5. Although the Defence is aware that the Single Judge has issued an order convening a Status Conference for Tuesday 12 June at 11am, the Defence would like to respectfully invite the Chamber to consider the possibility of convening a

hearing at an earlier date. The Defence is ready and available to present arguments as to Mr. Bemba's release at any point in the coming days.

Relief Sought

6. The Defence for Mr. Bemba respectfully requests the Trial Chamber to convene a hearing at the earlier point possible, in order to hear the Defence application for immediate release, pursuant to Article 60 (2).



Melinda Taylor
Counsel for Mr. Jean-Pierre Bemba

Dated this 8th day of June 2018

The Hague, The Netherlands