



Original: **English**

No.: **ICC-ICC-01/05-01/-8**

Date: **22 August 2008**

THE APPEALS CHAMBER

Before: Judge Philippe Kirsch, President
Judge Georgios M. Pikis
Judge Navi Pillay
Judge Sang-Hyun Song
Judge Erkki Kourula

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
*v. Jean-Pierre Bemba Gombo***

Public Document
**Notice of Appeal against the Decision on the Application for
Interim Release of Jean-Pierre Bemba Gombo**

Source: Defence

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

The Office of the Prosecutor

Fatou Bensouda, Deputy Prosecutor
Petra Kneuer, Senior Trial Lawyer
Massimo Scaliotti, Trial Lawyer

Counsel for the Defence

Nkwebe Liriss Richard
Tjarda E. van der Spoel
Aime Kilolo-Musamba

Legal Representatives of Victims

[1 name per team maximum]

Legal Representatives of Applicants

[1 name per team maximum]

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

[2 names maximum]

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

[2 names maximum]

States Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Procedural background

1. On 23 July 2008, the Defence for Bemba (“Defence”) submitted an application for interim release (hereinafter referred to as “Application”).

2. On 4 August 2008, the Pre-Trial Chamber III (hereinafter referred to as “PTC”) issued the “Decision Requesting Observations of the Prosecutor on the Defence’s Application for Interim Release”.

3. On 11 August 2008 the Prosecution filed the confidential “Prosecution’s Observations on the “Defence’s Applications for Interim Release” on which date the Defence was notified of this filing.

4. Defence counsel received the Prosecution’s Observations on the 13th of August 2008 and Jean-Pierre Bemba became aware of the contents of the Prosecutor’s Observations on the 14th of August 2008 through his defence counsels.

5. Defence filed a request to file a Reply to the Prosecution’s Observations on the Defence’s Application for Interim Release on the 15th of August 2008.

6. On 20 August 2008 the Pre-Trial Chamber rejected “The Application for Interim Release filed by Jean-Pierre Bemba”.¹

¹ No. ICC-01/05-01/08

II. The Appeal

7. Pursuant to article 82(1)(b) of the Rome Statute ("the Statute"), parties may appeal a decision granting or denying release of the person being investigated or prosecuted.

8. Rule 154 of the Rules of Procedure and Evidence ("RPE") stipulates that an appeal against such a decision may be filed not later than five days from the date upon which the party filing the appeal is notified of the decision.

9. This provision is supplemented by regulation 64(5) of the Regulations of the Court, which provides that the document in support of the appeal shall be registered by the appellant within seven days of notification of the relevant decision.

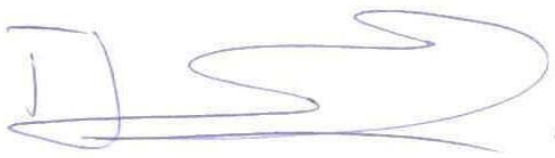
10. In compliance with above mentioned rules and regulations Mr Jean-Pierre Bemba's defence submits this Notice of Appeal against the Decision on Application for Interim Release of 20 August 2008 (impugned Decision).

11. The Appeal challenges the impugned Decision that the conditions set forth in article 58(1)(a) and (b)(i) and (ii) of the Rome Statute are fulfilled insofar as there are reasonable grounds to believe that Mr Jean-Pierre Bemba has committed crimes within the jurisdiction of the Court and his detention appears to be necessary to ensure his appearance at trial and to insure that Mr Jean-Pierre Bemba does not obstruct or endanger the investigation or the Court proceedings.

12. Pursuant to article 83(2)(a) of the Rome Statute the Defence respectfully requests the Appeals Chamber to reverse the Decision on the Application for Interim Release rendered on 20 August 2008 and to order the immediate interim release of Mr Jean-Pierre Bemba subject to such conditions as may be deemed appropriate.

Respectfully submitted on 22nd of August 2008 at The Hague, The Netherlands

Tjarda Eduard van der Spoel, Defence counsel

A handwritten signature in blue ink, consisting of a stylized 'T' followed by a series of loops and a long horizontal stroke.

[
on behalf of
Mr Jean-Pierre Bemba

Dated this 22 August 2008

At The Hague, the Netherlands

At [place, country]