



Original: **English**

No.: ICC-01/05-01/08
Date: 10 September 2009

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

**SITUATION CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
*v. Jean-Pierre BEMBA GOMBO***

**Public Document
With 1 Confidential Annexure**

Application for leave to withdraw as Co-lead Counsel

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

Petra Kneuer

Counsel for the Defence

Nkwebe Liriss

Karim A.A.Khan

Aimé Kilolo Musamba

Pierre Legros

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar

Silvana Arbia & Didier Preira

Defence Support Section

Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 13 November 2008 I was appointed “co-lead counsel” of Mr. Jean-Pierre Bemba Gombo. (See confidential annex 1 attached.)
2. As Mr. Bemba was declared “non-indigent” an agreement was reached between myself and Mr Bemba to cover the agreed legal fees up until the confirmation hearing. That agreement was honoured by Mr. Bemba.
3. Since at least the confirmation hearing however, Mr. Bemba’s Defence has been significantly hampered by an inability to access funds or assets owned by Mr. Bemba which remain frozen. Whilst I continued to assist Mr. Bemba after the confirmation hearing I did so hoping the financial impasse would be resolved and given the important matters that required attention at that time (including issues relating to the decision on the confirmation of charges and hearings on provisional release).
4. I have informed Mr. Bemba that his unresourced team will be unable to provide the type of effective Defence to which he is entitled under Article 67 of the Rome Statute.
5. The prevailing financial impasse has led to there being no Defence investigator appointed to the Bemba team and this omission has the real potential, in my respectful submission, to delay proceedings or otherwise jeopardize the integrity of these proceedings. Until the financial situation is resolved I feel unable to continue as co-lead counsel and accordingly hereby respectfully request leave of the Chamber to withdraw in accordance with the provisions of Regulation 78 of the Regulations of the Court.
6. In summary, as the client is unable to gain access to his own funds in order to renew my appointment and the pending legal aid application has not been determined as yet, given that there is no possibility for the team to appoint an investigator, never mind direct investigations, I submit that my request to withdraw is reasonable and justified in the circumstances of this case.

7. Mr Bemba, lead counsel Mr. Richard Nkwebe and co-counsel Mr. Aime Kilolo, have been consulted on this proposed course of action and support it. Should legal aid be granted in the future or Mr. Bemba's assets be otherwise unfrozen I will give consideration to rejoining the Defence team subject to the approval of the Defence Support Section (DSS) and necessary agreements between the client and myself. Mr Bemba has requested that I rejoin his legal team should the necessary funds be secured that allows a working Defence team to be constituted.
8. For the reasons detailed above, I pray that leave to withdraw as counsel of record be granted in accordance with Regulation 78 of the Regulations of the Court

Respectfully submitted,



Karim A.A.Khan
Co-lead Counsel

Dated this Thursday, 10 September 2009

At The Hague, The Netherlands