

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 June 2011

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
*v. JEAN-PIERRE BEMBA GOMBO***

Confidential

**Decision requesting observations on the « Demande d'autorisation de sortie
sous le bénéfice de l'extrême urgence pour permettre à M. Jean-Pierre
Bemba Gombo d'accomplir ses devoirs civiques en République
Démocratique du Congo »**

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo Musamba

Legal Representatives of the Victims

Ms Marie Edith Douzima-Lawson
Mr Assingambi Zarambaud

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Ms Fiona McKay

Other

Trial Chamber III ("Trial Chamber" or "Chamber") of the International Criminal Court ("Court" or "ICC"), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, ("Bemba case") issues the following Decision requesting observations on the « Demande d'autorisation de sortie sous le bénéfice de l'extrême urgence pour permettre à M. Jean-Pierre Bemba Gombo d'accomplir ses devoirs civiques en République Démocratique du Congo ».

1. On 10 June 2011, the defence filed its « Demande d'autorisation de sortie sous le bénéfice de l'extrême urgence pour permettre à M. Jean-Pierre Bemba Gombo d'accomplir ses devoirs civiques en République Démocratique du Congo » ("Defence's request"),¹ requesting the Chamber to authorize Mr Jean-Pierre Bemba Gombo to leave the detention centre for several hours, or more specifically around 17 hours, to go to the Democratic Republic of the Congo in order to obtain his electoral card.²
2. The defence notes that the process of electoral registration in CAR will close on the 30 June 2011 in the Equatorial, Oriental and Nord-Kivu Provinces and on the 5 July 2011 in the city of Kinshasa, and therefore an urgent decision is needed.³ The defence noted that Mr. Jean-Pierre Bemba is still able to fully exercise his civil and political rights under Congolese law, including the right to vote and be eligible for public office.⁴ The defence further articulated that if Mr. Jean-Pierre Bemba is not allowed to travel to the DRC and was subsequently acquitted of the charges against him, it would be of great detriment to Mr. Jean-Pierre Bemba and his career as a politician.⁵ The defence recalls the fact that Mr. Jean-Pierre Bemba has previously followed all conditions imposed by the Court in

¹ Demande d'autorisation de sortie sous le bénéfice de l'extrême urgence pour permettre à M. Jean-Pierre Bemba Gombo d'accomplir ses devoirs civiques en République Démocratique du Congo, 10 June 2011, ICC-01/05-01/08-1501-Conf.

² ICC,01/05-01/08-1501-Conf, paragraph 39.

³ ICC,01/05-01/08-1501-Conf, paragraph 14.

⁴ ICC,01/05-01/08-1501-Conf, paragraph 20.

⁵ ICC,01/05-01/08-1501-Conf, paragraph 22.

previous instances where he was released.⁶ Lastly, the defence recalls the rights of the accused, under Article 66 of the Rome Statute ("Statute") to benefit from the presumption of innocence.⁷

3. In accordance with Article 21(1) of the Statute, the Trial Chamber, in making its decision, has considered the following provisions: Rules 118, and 119 of the Rules of Procedure and Evidence ("Rules") and Regulation 34 of the Regulations of the Court.

4. Pursuant to Rule 119 of the Rules, before deciding upon a request for interim release, the Chamber shall seek the views *inter alia* of the Office of the Prosecution ("prosecution") and the victims that have communicated with the Court in the case and whom the Chamber considers could be at risk as a result of the release or conditions imposed.

5. For these reasons, the Chamber hereby:

(a) REQUESTS the prosecution, legal representatives of victims authorised to participate in the trial proceedings, and the Office of the Public Counsel for Victims acting on behalf of the victims' applicants whose applications for participation in the proceedings have not yet been decided by the Chamber, to submit their views on the Defence's request by 16.00 on Friday 17 June 2011, at the latest;

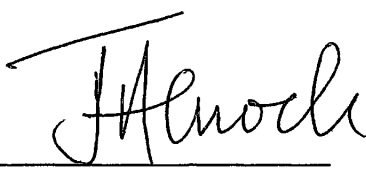
(b) ORDERS the Registrar to notify the Office of the Public Counsel for Victims of the Defence's request with confidential Annexes thereto;

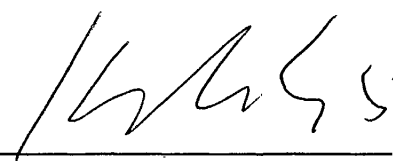
⁶ ICC,01/05-01/08-1501-Conf, paragraph 25.

⁷ ICC,01/05-01/08-1501-Conf, paragraph 26.

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



Judge Sylvia Steiner

Judge Joyce Aluoch

Judge Kuniko Ozaki

Dated this Monday 13 June 2011

At The Hague, The Netherlands