

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: French

No.: ICC-01/05-01/08
Date: 1 September 2011

THE 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***

Public Document

Urgent

**Defence appeal against Trial Chamber III's decision of 30 August 2011 entitled
"Summary of the Decision on the 'Demande de mise en liberté provisoire de M. Jean-
Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République
Démocratique du Congo'"**

Source: Mr Jean-Pierre Bemba Gombo's Defence Team

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 the Victims

Marie-Edith Douzima Lawson
Zarambaud Assingambi

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Deputy Registrar

Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 24 August 2011, the Defence filed an application for the interim release of the Accused to allow him to travel to the Democratic Republic of the Congo.¹
2. On 30 August 2011, Trial Chamber III issued a summary of its decision rejecting the Defence application.²
3. The Defence for Mr Jean-Pierre Bemba Gombo appeals the aforementioned decision of Trial Chamber III, the summary of which was notified to the Defence on 30 August 2011. This appeal is entered against the impugned decision in its entirety, on both legal and factual grounds, which will be set out in a separate document in accordance with regulation 64(5) of the Regulations of the Court.
4. In particular, the Defence challenges the finding in the impugned decision that the Defence did not identify any change in circumstances which would necessitate the amendment of Trial Chamber III's decision on continued detention.³
5. Under article 82(1)(b) of the Rome Statute, the parties may appeal any decision granting or denying release of the person being investigated or prosecuted.
6. Under rule 154(1) of the Rules of Procedure and Evidence, the appeal in question may be filed no later than five days from the date upon which the party filing the appeal is notified of the impugned decision.
7. The applicant requests that the present appeal be treated as urgent and that the Appeals Chamber deliver its ruling promptly, by 11 September 2011 at the

¹ "Application for the interim release of Mr Jean-Pierre Bemba Gombo to allow him to perform his civic duties in the Democratic Republic of Congo", 24 August 2011, ICC-01/05-01/08-1639-Conf-tENG.

² ICC-01/05-01/08-1672, *Summary of the Decision on the "Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo"* of 30 August 2011.

³ *Idem*, paragraph 4.

latest, in order that, if a decision is rendered granting release, that decision may be properly implemented; it being understood that the communiqué from the electoral commission of the Democratic Republic of the Congo has set 11 September 2011 as the final deadline for registering as a candidate in the forthcoming presidential and parliamentary elections.⁴

For these reasons:

8. Pursuant to article 83(2)(a) of the Rome Statute, the Defence respectfully requests the Appeals Chamber to set aside the impugned decision, and accordingly:
 - to order the interim release of the applicant to enable him to travel to the territory of the Democratic Republic of the Congo before 11 September 2011 to complete the formalities required for obtaining a voting card and to register as a candidate in the forthcoming presidential and parliamentary elections.

[signed]

Aimé Kilolo Musamba

Associate Counsel

Dated this 1 September 2011

At The Hague, the Netherlands

⁴ Digital Congo: “[TRANSLATION] CENI [National Independent Electoral Commission] sets 11 September 2011 as the deadline for registering as a candidate in the legislative elections and notifies the Senate”, <http://www.digitalcongo.net/article/77958>.