



Original: **French**

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

Date: **9 January 2012**

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

**Defence appeal against Trial Chamber III's decision of 6 January 2012 entitled
*Decision on the Defence's 28 December 2011 "Requête de mise en liberté provisoire
de M. Jean-Pierre Bemba Gombo"***

Source: Defence team 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

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Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
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States' Representatives

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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 28 December 2011, the Defence filed an application for the interim release of the Accused.¹
2. On 6 January 2012, Trial Chamber III issued its decision denying the Defence's request.²
3. The Defence for Mr Jean-Pierre Bemba Gombo hereby appeals against the aforementioned 6 January 2012 decision of Trial Chamber III. This appeal is being lodged against the impugned decision in its entirety on legal and factual grounds which will be set out in a separate document pursuant to regulation 64(5) of the Regulations of the Court.
4. Under article 82(1)(b) of the Rome Statute, the parties may appeal against a decision granting or denying release of the person being investigated or prosecuted.
5. Under rule 154(1) of the Rules of Procedure and Evidence, such appeal must be filed not later than five days from the date upon which the party filing the appeal was notified of the impugned decision.
6. In particular, the Defence challenges the finding in the impugned decision that the requirements of article 58(1)(b)(i) of the Rome Statute continue to be met, and that it is accordingly necessary to keep Mr Jean-Pierre Bemba Gombo in custody in order to ensure his appearance at trial.

¹ ICC-01/05-01/08-2029-Conf+Conf-Anxs – “*Requête de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo*”.

² ICC-01/05-01/08-2034-Conf: *Decision on the defence's 28 December 2011 “Requête de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo”*.

For these reasons,

Under article 83(2)(a) of the Rome Statute, the Defence respectfully requests the Appeals Chamber to set aside the impugned decision.

[signed]

Aimé Kilolo Musamba
Associate Counsel

Dated this 9 January 2012

At The Hague, The Netherlands