



Original: English

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

Date: 09/06/2014

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**

Public Redacted with Confidential Ex parte Annexes A-G, Chamber and Defence only

Public Redacted version of “Defence Request to Trial Chamber to request [REDACTED] and [REDACTED] for their submissions regarding the potential provisional release of Mr Jean-Pierre Bemba”

Source: Defence 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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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Registrar

Herman Von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

A. INTRODUCTION

1. The present request is filed *ex parte*, given that it concerns a direct request to Trial Chamber III (“the Chamber”), which does not require either observations or a response from the Prosecution or the Legal Representative of Victims.

2. On 12 December 2013, the Defence wrote to the relevant authorities in [REDACTED] to enquire whether they would be amenable to provisional release of Mr. Bemba into [REDACTED] territory.¹ On 21 January 2014, the [REDACTED] authorities replied asking the Defence team to address the letter to the Minister of Foreign Affairs.² On 12 February, the Registrar, following a request from the Defence, transmitted a letter to the relevant [REDACTED] ministry.³ On 22 May 2014, [REDACTED] informed the Defence that it would only act upon an official request from a Trial Chamber of the International Criminal Court.⁴

3. On 30 April 2014, Mr. Bemba wrote to the relevant authorities of [REDACTED] asking if they would be amenable to facilitating a temporary provisional release into [REDACTED] territory during drafting phase of the case, from 2 June 2014 to 25 August 2014.⁵ On 20 May 2014, the answer given by the [REDACTED] authorities was straightforward: only an official request from the Chamber, pursuant to Rule 119 of the Rules of Procedure and Evidence, would enable [REDACTED] to give its observations on any potential period of provisional release.⁶

¹ Annex A.

² Annex B.

³ Annex C.

⁴ Annex D.

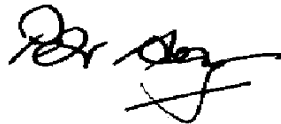
⁵ Annex E.

⁶ Annex F.

4. On 28 May 2014, the Defence asked the Registry of the ICC, to transmit a letter to [REDACTED].⁷ The Registry advised that given the [REDACTED] authorities' reference to Rule 119 of the Rule of Procedure and Evidence, the Defence should approach the Trial Chamber directly.

5. In view of the above, the Defence respectfully requests that the Chamber instruct the Registry to request observations from both [REDACTED] and [REDACTED] regarding the potential provisional release of Mr Jean-Pierre Bemba into their respective territories.

The whole respectfully submitted.



Peter Haynes, QC

Lead Counsel of Mr. Jean-Pierre Bemba

Done this day 9 June 2014

In The Hague, The Netherlands

⁷ Annex G.