

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **11 June 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

**Decision on defence request for observations regarding the potential
provisional release of Mr Jean-Pierre Bemba**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Ms Melinda Taylor

Legal Representatives of the Victims

Ms Marie-Edith Douzima Lawson

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**

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber III (“Chamber”) of the International Criminal Court (“ICC” or “Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Bemba case”), hereby issues the Decision on defence request for observations regarding the potential provisional release of Mr Jean-Pierre Bemba (“Decision”).

I. Background

1. On 4 June 2014, the defence for Mr Jean-Pierre Bemba Gombo (“defence”) filed its confidential *ex parte* defence request seeking a Chamber’s order regarding the potential provisional release of Mr Jean-Pierre Bemba (“Request”).¹ In particular, the defence requests that the Chamber instruct the Registry to request observations from two States regarding the potential provisional release of Mr Jean-Pierre Bemba Gombo into their respective territories.²
2. For the purpose of the present Decision and in accordance with Article 21(1) of the Rome Statute (“Statute”), the Chamber has considered Articles 60, 61(11), 64(6)(a), 67 of the Statute and Rule 119(2) and (3) of the Rules of the Rules of Procedure and Evidence (“Rules”).
3. The defence requests that the Chamber seek the views of two States within the context of Rule 119(3) of the Rules on “Conditional release”. Pursuant to Rule 119(2) of the Rules, a decision on conditional release could be taken by the Chamber at the request of “the person concerned,

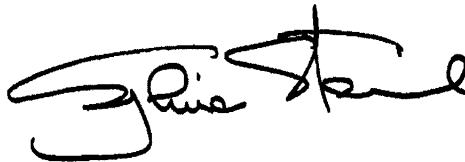
¹ ICC-01/05-01/08-3081-Conf-Exp and confidential *ex parte* annexes A to G. Further to the Chamber’s email instruction to the defence and the Registry of 6 June 2014 at 14.33, the document was reclassified as confidential and the defence was ordered to file a public redacted version of its Request by 9 June 2014.

² 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”, 9 June 2014, ICC-01/05-01/08-3081-Red, paragraph 5.

or the Prosecutor or on its own initiative". In the present case, the Chamber has not decided to act *proprio motu* and there is no request submitted by the prosecution. The accused may therefore first submit a legally and factually substantiated request for provisional release.

4. In view of the above, pending a substantiated defence's request for provisional release, the Chamber hereby DISMISSES the defence's Request as premature.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 11 June 2014

At The Hague, the Netherlands