



Original: English

No.: ICC-01/05-01/13

Date: 17/12/2014

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

***IN THE CASE OF THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO,
AIMÉ KILOLO MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE
BABALA WANDU and NARCISSE ARIDO***

Public Document

**Counsel's request to withdraw pursuant to Regulation 78(1)
of the Regulations of the Court**

Source: Defence for 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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Gøran Kimo Sluiter

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Esteban Peralta-Losilla

Abdoul Aziz Mbaye

Victims and Witnesses Unit

Detention Section

Pursuant to Regulation 78(1) of the Regulations of the Court, herein undersigned Counsel ("Counsel") seeks leave to withdraw from the representation of Jean-Pierre Bemba Gombo ("the Suspect").

Submission

1. Counsel has represented the Suspect for the last 12 months and, by order of the Presidency,¹ was awarded 4 months financial legal assistance between May and September 2014.

2. Apart from a period of a few weeks pending a decision of the Registrar in December 2013, Counsel has never agreed to represent the Suspect on a *pro-bono* basis.

3. Counsel's ongoing struggle to finance the defence of the Suspect in case ICC-01/05-01/13 came to a head in November 2014 when the Presidency rejected Counsel's request for post-confirmation legal assistance noting that the Suspect had failed to take steps to realise certain identified assets.²

4. Pursuant to this decision, Counsel addressed a letter to the Suspect requiring him to comply with the order of the Presidency and, furthermore, to honour his obligation to pay Counsel's fees.³ Counsel added that as a matter of professional ethics, he would not abandon the Suspect when the shortness of statutory time limits would prevent him from appointing replacement counsel to deal with his affairs. Accordingly, on 26 November 2014, Counsel submitted a request for leave to appeal the decision on the confirmation of the charges⁴ and, on 27 November 2014, a request for interim release.⁵

¹ ICC-RoC85-01/13-21.

² ICC-RoC85-01/13-31.

³ ICC-RoC85-01/13-32-Anx.

⁴ ICC-01/05-01/13-768.

⁵ ICC-01/05-01/13-770.

5. On 12 December 2014, Counsel travelled to The Hague and visited the Suspect at his place of detention. Counsel reminded the Suspect of his obligation to comply with the order of the Presidency - ICC-RoC85-01/13-31 and to honour his obligation to pay Counsel's fees.

6. Counsel also informed the Suspect, that he was not prepared to perform further non-essential legal services for the Suspect lest the Court should deem that he was acquiescing in a *de facto* situation of *pro-bono* representation.

7. While recognising his financial debt to Counsel, the Suspect informed him that he could not meet the obligation to pay for the legal services provided and that, if need be, he would represent himself at trial.

8. In light of all the aforementioned, Counsel informed the Suspect that he would seek leave to withdraw from the representation pursuant to articles 17(1)(b) and 18(1) of the Code of Professional Conduct for Counsel.

9. Counsel returned to his domestic jurisdiction in the early hours of 16 December 2014. Several hours later, Counsel was informed by CSS that the Suspect had accepted Counsel's withdrawal and had, furthermore, expressed his intention to be represented by another lawyer whose services, according to him, would not incur any financial obligation.

Conclusion

10. In light of the aforementioned, the Single Judge is respectfully requested to permit Counsel to withdraw from his representation of the Suspect.

11. Notwithstanding articles 17(1)(b) and 18(1) of the Code of Professional Conduct, no prejudice will be caused to the Suspect given the Suspect's desire

to appoint Counsel who is prepared, apparently, to represent him without any financial obligation being incurred.

12. Counsel is fully aware of his continuing obligation of confidentiality and will proffer all necessary assistance to the new lawyer as soon as and if such appointment be approved.

A handwritten signature in black ink that reads "Nicholas Kaufman". The signature is written in a cursive, slightly slanted style. Below the signature is a solid horizontal line.

Nicholas Kaufman

Counsel for Jean-Pierre Bemba Gombo

Jerusalem, Israel

Wednesday, December 17, 2014