

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **French**

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

Date: **11 August 2010**

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***

Confidential

**Application for Adjustment of the Expenses and Fees of the Defence Provided by
the Registry Pursuant to the Order of Trial Chamber III Entitled *Decision on legal
assistance for the Accused* of 20 October 2009**

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

Fatou Bensouda

Petra Kneur

Counsel for the Defence

Nkwebe Liriss

Aimé Kilolo Musamba

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar and Deputy Registrar

Silvana Arbia and Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 20 October 2009, Trial Chamber III rendered a decision on the legal assistance provided to the Accused, Jean Pierre Bemba Gombo: the *Decision on legal assistance for the Accused*.¹
2. In essence, the Chamber considered that: "The accused has a statutory entitlement to adequate time and facilities for the preparation of his defence and to be tried without undue delay (article 67 of the Rome Statute), and the Trial Chamber has unhesitatingly concluded that given the resources currently available to Mr Bemba, he is seriously at risk of being denied the opportunity properly to prepare for a timely trial before the ICC. In the Chamber's view, the combined effect of the current lack of access on the part of the Court and the accused to the assets that have been traced and identified, together with the refusal by the Registry to provide temporary financial assistance, even on a pro tern basis (with a mechanism for repayment to the Court once the accused's funds are released), have placed Mr Bemba in this regrettable position".²
3. On 19 November 2009, the public redacted version of a further decision on the same issue was disclosed to the Defence: the *Redacted version of Decision on the Defence application to lift Order iii) of the 'Decision on legal assistance for the accused' dated 20 October 2009*.³
4. In particular, the Chamber ordered the Registry to provide the Defence team for Mr Jean-Pierre Bemba Gombo with funding in the sum of 30,150 euros per month.
5. The Chamber further stated that this order would take effect from March 2009 until a material change in circumstances arose.

¹ ICC-01/05-01/08-568.

² ICC-01/05-01/08-568, paragraph 4.

³ ICC-01/05-01/08-596.

6. It should be noted that the sum fixed by the order in question is consistent with that normally granted in respect of legal assistance during the pre-trial phase of criminal proceedings before the International Criminal Court.
7. Circumstances have now changed, in particular in view of the fact that the Prosecutor has completed disclosure of his evidence, and a status conference has been scheduled for 30 August 2010⁴ in order to invite the observations of the parties on the trial commencement date.
8. In light of the impending commencement of the trial phase proper, the Defence has made contacts with a view to strengthening its team with an additional co-Counsel, a legal assistant and some resource persons.
9. Moreover, the Defence has never had funds available for conducting investigations, even though it must do so in the field, both in the Democratic Republic of the Congo and in the Central African Republic, in the towns where the armed conflict referred to in the *Decision on the confirmation of charges* of 15 June 2009 took place.⁵
10. The Defence requests that the Registry be ordered to provide funding for its team from September 2010, in accordance with the norms of the International Criminal Court and at the established rate under the scheme for legal assistance paid by the Court at the trial stage, in the sum of 42,701 euros, and to provide it with funding for investigations in the sum of 70,000 euros from September 2010.
11. 

⁴ ICC-01/05-01/08-811.

⁵ ICC-01/05-01/08-424.

[REDACTED]

[REDACTED]⁶ This sum includes both the expenses and professional fees of the team members and the allowance for monthly expenses, over and above the funding for investigations.

Request for Confidentiality

12. In paragraph 11 of the present Application, the Defence has referred to certain information contained in the Registry's report which is, to date, classified as confidential. For this reason, the Defence respectfully requests Trial Chamber III to consider this Application confidential; a public, redacted version will be filed shortly.

For these reasons,

13. The Defence respectfully requests this Chamber to admit the present Application, to find it well-founded, and accordingly to order the Registrar to provide the Defence team for Mr Jean-Pierre Bemba Gombo with funding in the sum of 42,701 euros per month from September 2010, and concurrently to provide it with funding for investigations in an amount of 70,000 euros.

[signed]

[signed]

Aimé Kilolo Musamba
Associate Counsel

Nkwebe Liriss
Lead Counsel

Dated this 11 August 2010

At The Hague, The Netherlands

⁶ ICC-01/05-01/08-545-Conf-Exp-Anx2, point IV.