

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 August 2011

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**

URGENT

Public Document

**Summary of the Decision on the “Demande de mise en liberté provisoire de M.
Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en
République Démocratique du Congo”**

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo Musamba

Legal Representatives of the Victims

Ms Marie Edith Douzima-Lawson
Mr Assingambi Zarambaud

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

States Representatives

Amicus Curiae

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber III (“Chamber”) of the International Criminal Court in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Summary of the Decision on the “Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo”.

1. On 24 August 2011, the defence filed its “Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo” (“Request for Provisional Release”),¹ requesting the Chamber to (i) authorise the provisional release of Mr Bemba to travel to the Democratic Republic of the Congo (“DRC”) before 5 September 2011 to obtain a voting card and to file his candidacy for the upcoming presidential and parliamentary elections; (ii) seek urgent observations from the DRC on the Request for Provisional Release; (iii) convene a status conference; (iv) reduce the time limits for the submission of observations on the Request for Provisional Release; and (v) rule on the Request for Provisional Release before the end of August.²

2. On 25 August 2011, the Chamber issued a decision reducing the time limits for the submission of observations on the Request for Provisional Release.³ In accordance with that decision, the parties and participants filed their observations on 29 August 2011.⁴

¹ Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo, 24 August 2011, ICC-01/05-01/08-1639-Conf and four confidential annexes. An English translation was filed on 26 August 2011: Application for the interim release of Mr Jean-Pierre Bemba Gombo to allow him to perform his civic duties in the Democratic Republic of Congo, ICC-01/05-01/08-1639-Conf-tENG.

² ICC-01/05-01/08-1639-Conf-tENG, paragraph 36.

³ Decision requesting observations on, and setting a briefing schedule for, the “Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo”, 25 August 2011, ICC-01/05-01/08-1649-Conf, paragraph 6.

⁴ Observations on the “Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo” filed by Mr. Bemba on 24 August 2011, 29 August 2011, ICC-01/05-01/08-1659-Conf; Observations de Maître Zarambaud Assingambi, Représentant légal de victimes, sur la demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo

3. Having considered the observations of the parties and participants, the Chamber has decided, pursuant to Articles 58(1)(b) and 60(3) of the Rome Statute (“Statute”) and Rule 118 of the Rules of Procedure and Evidence (“Rules”), to deny the Request for Provisional Release. Among other reasons, the Request for Provisional Release fails to identify any changed circumstances warranting a modification of the Chamber’s previous decisions on Mr Bemba’s detention under Article 60(3) of the Statute and may be seen as amounting to a request for reconsideration of the Trial Chamber’s 27 June 2011 decision,⁵ which was upheld in relevant part by the Appeals Chamber in its judgment of 19 August 2011.⁶

4. Because the defence has requested that a decision be issued before the end of August, the Chamber is issuing this summary of its decision today. An opinion containing the Chamber’s full reasoning will follow in due course.

5. While the Request for Provisional Release was filed confidentially, the defence has not demonstrated a sufficient basis for confidential treatment. This order is therefore being issued publicly. The defence is instructed to file a public redacted version of the Request for Provisional Release, as appropriate, within five days of this order. The parties and participants are instructed to do the same in relation to their observations.

afin d’accomplir ses devoirs civiques en République démocratique du Congo, en date du 24 août 2011, 29 August 2011; ICC-01/05-01/08-1660-Conf, Prosecution’s Response to the Defence “Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo”, 29 August 2011, ICC-01/05-01/08-1661-Conf; Observations de la Représentante légale de victimes relatives à la demande de mise en liberté provisoire de Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République démocratique du Congo, 29 August 2011, ICC-01/05-01/08-1670-Conf. While the Chamber’s scheduling order permitted the defence to file a reply no later than 10.00 on Tuesday, 30 August 2011, no reply was filed before that deadline. *See* ICC-01/05-01/08-1649-Conf, paragraph 6(b).

⁵ Decision on Applications for Provisional Release, 27 June 2011, ICC-01/05-01/08-1565-Conf, paragraphs 68-72. A public redacted version was filed on 16 August 2011: Public Redacted Version of the “Decision on Applications for Provisional Release” of 27 June 2011, 16 August 2011, ICC-01/05-01/08-1565-Red.

⁶ Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 27 June 2011 entitled “Decision on Applications for Provisional Release”, 19 August 2011, ICC-01/05-01/08-1626-Conf.

6. For these reasons, the Trial Chamber hereby decides that:

(a) The Request for Provisional Release is DENIED;

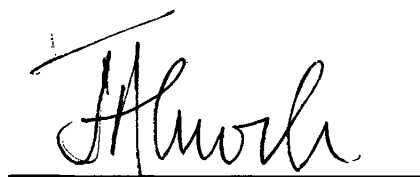
(b) Within five days of this order, the defence shall file a public redacted version of the Request for Provisional Release and the parties and participants shall file public redacted versions of their observations, as appropriate; and

(c) The time for filing any appeal of the Chamber's decision pursuant to Article 82(1)(b) of the Statute shall not begin to run under Rule 154(1) of the Rules until the Chamber has issued its full opinion, referred to above in paragraph 4, and the defence has been notified of it.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 30 August 2011

At The Hague, The Netherlands