

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 18 September 2009

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
v. JEAN-PIERRE BEMBA GOMBO**

Public Document

**Decision constituting Trial Chamber III and referring to it the case of
*The Prosecutor v. Jean-Pierre Bemba Gombo***

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy-Prosecutor

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo-Musamba

Legal Representatives of the Victims

Ms Marie-Edith Douzima-Lawson
Ms Paolina Massidda

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**

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Mr Esteban Peralta Losilla

Deputy-Registrar

Mr Didier Preira

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

Mr Anders Backman

**Victims Participation and Reparations
Section**

Ms Fiona Mckay

Other

THE PRESIDENCY of the International Criminal Court (the “Court”);

NOTING the decision of Pre-Trial Chamber II, dated 15 June 2009, confirming the charges brought by the Prosecutor of the Court against Mr Jean-Pierre Bemba Gombo and committing him for trial (“the decision confirming the charges”);¹

NOTING articles 36, 38 and 39 of the Rome Statute of the International Criminal Court (“the Statute”);

CONSIDERING article 61(11) of the Statute, pursuant to which the Presidency shall constitute a Trial Chamber once the charges have been confirmed, which shall be responsible for the conduct of subsequent proceedings;

CONSIDERING rule 130 of the Rules of Procedure and Evidence of the International Criminal Court (“the Rules”), pursuant to which the Presidency shall refer the case to a Trial Chamber and transmit to it the decision confirming the charges and the record of the proceedings of the Pre-Trial Chamber;

CONSIDERING that in the decision confirming the charges, Pre-Trial Chamber II held that it “remains seized of the Case until [that decision] becomes final”;²

CONSIDERING the ‘Decision on the Prosecutor’s Application for Leave to Appeal the “Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo” of 18 September 2009, in

¹ ICC-01/05-01/08-424.

² ICC-01/05-01/08-424, page 185.

which Pre-Trial Chamber II ordered the Registrar “to transmit the record of the proceedings of the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* to the Presidency”;³

CONSIDERING that the record of the proceedings before Pre-Trial Chamber II and the decision confirming the charges were transmitted, by the Registrar, to the Presidency on 18 September 2009, in accordance with rule 129 of the Rules;⁴

HEREBY CONSTITUTES Trial Chamber III with immediate effect:

Trial Chamber III

Judge Elizabeth Odio Benito

Judge Adrian Fulford

Judge Joyce Aluoch

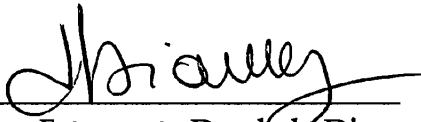
HEREBY REFERS the case against Mr Jean-Pierre Bemba Gombo to Trial Chamber III; and

HEREBY TRANSMITS the full record of the proceedings before Pre-Trial Chamber II to Trial Chamber III, including the decision confirming the charges.

³ ICC-01/05-01/08-532, page 31.

⁴ ICC-01/05-01/08-533.

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



Judge Fatoumata Dembele Diarra
First Vice-President

Dated this 18 September 2009

At The Hague, The Netherlands