

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 January 2015

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

**Decision on “Counsel's request to withdraw pursuant to Regulation 78(1) of
the Regulations of the Court” submitted by Nicholas Kaufman on 17
December 2014**

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Paul Djunga

Counsel for Jean-Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Göran Sluiter

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

States Representatives

Others

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Esteban Peralta Losilla

Victims and Witnesses Unit

Others

**Victims Participation and
Reparations Section**

I, Judge Cuno Tarfusser, having been designated as Single Judge of Pre-Trial Chamber II of the International Criminal Court;

NOTING “Counsel's request to withdraw pursuant to Regulation 78(1) of the Regulations of the Court” dated 17 December 2014, whereby Nicholas Kaufman “seeks leave to withdraw from the representation of Jean-Pierre Bemba Gombo” in the case (“Mr Kaufman’s Request”)¹;

NOTING the “Prosecution’s response to the Bemba’s Defence’s ‘Counsel's request to withdraw pursuant to Regulation 78(1) of the Regulations of the Court’ dated 18 December 2014², not opposing Mr Kaufman’s Request;

NOTING the “Transmission to the Chamber of letters from Mr. Jean-Pierre Bemba Gombo” submitted by the Registrar on 6 January 2015³, as well as Annex I thereto, consisting of a signed letter wherein Jean-Pierre Bemba notifies the Registrar of his acceptance of Mr Kaufman’s withdrawal as well as of his wish to appoint Ms Melinda Taylor as his lead counsel in the case;

NOTING Annex III to the Registry’s Transmission⁴, consisting of a letter dated 5 January 2015 wherein Mr Bemba states that, since 16 December 2014, he has had no contact with Mr Kaufman and, accordingly, requests the Chamber to “suspendre le délai de toutes les requêtes pendants, les réponses, les répliques dans l’affaire Article 70 jusqu’au moment où le conseil de mon choix (Mme Taylor) sera officiellement reconnue par la Cour”;

NOTING Annex II to the Registry’s Transmission⁵, consisting of an email message dated 18 December 2014, whereby Melinda Taylor notifies the Counsel

¹ ICC-01/05-01/13-783.

² ICC-01/05-01/13-785.

³ ICC-01/05-01/13-789 and confidential annexes I to III thereto.

⁴ ICC-01/05-01/13-789-Conf-AnxIII.

⁵ ICC-01/05-01/13-789-Conf-AnxII.

Support Section of the Court of her willingness to “act as Mr Bemba’s counsel in the Article 70 case”;

NOTING article 67 of the Statute, rules 20, 21 and 22 of the Rules of Procedure and Evidence, regulation 78(1) of the Regulations of the Court and articles 8, 15(2), 17(2), 18 and 19 of the Code of Professional Conduct for counsel;

CONSIDERING that, in light of counsel’s obligations, as well as in light of the stage reached by these proceedings, there is no need for a suspension of deadlines to be ordered;

CONSIDERING that Mr Kaufman’s Request, Mr Bemba’s letters and Ms Taylor’s email show that the termination of Mr Kaufman’s mandate does not affect either the continuity of Mr Bemba’s representation or his ability to fully exercise his rights under article 67 of the Statute;

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS leave to Nicholas Kaufman to withdraw from the case, without prejudice to the need for him to continue to perform his role until the appointment of new Defence counsel for Mr Bemba has been completed;

ORDERS the Registrar to promptly take all steps which are necessary and appropriate with a view to facilitating the appointment of new counsel for Jean-Pierre Bemba in the case.

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



Judge Cuno Tarfusser
Single Judge

Dated this Thursday, 8 January 2015 at The Hague, The Netherlands