

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/05-01/13
Date: **21 November 2016**

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, 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 Kilolo Defence Counsel's Request to Withdraw

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda Kabongo

Mr Christopher Gosnell

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Charles Achaleke Taku

Legal Representatives of Victims

Legal Representatives of 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

Others

Appeals Chamber

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Others

Victims Participation and Reparations Section

Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber VII ('Single Judge' and 'Chamber', respectively) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, having regard to Article 67(1)(d) of the Rome Statute and Regulations 23 *bis* and 78 of the Regulations of the Court, issues the following 'Decision on Kilolo Defence Counsel's Request to Withdraw'.

1. On 18 November 2016, Mr Paul Djunga, the lead counsel for Mr Kilolo ('Counsel'), requested leave to withdraw on this case on grounds that Mr Kilolo wished to appoint another lead counsel ('Request').¹
2. The Single Judge notes Mr Kilolo's right to legal assistance of his choosing² and will permit Counsel to withdraw. However, the late stage of the proceedings before this Chamber must be emphasised. The judgment has already been rendered³ and all sentencing submissions are due in the next month.⁴
3. Accordingly, Counsel may only withdraw subject to three conditions. First, Counsel must ensure that Mr Kilolo fully understands and accepts the fact that he cannot seek postponement of any sentencing deadlines⁵ on grounds related to new counsel joining the case at this late stage. Second, and noting that Mr Kilolo has lodged a notice of appeal against the judgment before the Appeals Chamber,⁶ Counsel must also seek and receive permission to withdraw from the Appeals Chamber before the withdrawal can become effective. Third, Counsel must continue to represent Mr Kilolo until new counsel is appointed.

¹ *Demande d'autorisation de retrait en application de la norme 78(1) du Règlement de la Cour*, ICC-01/05-01/13-2037-Conf.

² Article 67(1)(d) of the Statute.

³ Judgment pursuant to Article 74 of the Statute, 19 October 2016, ICC-01/05-01/13-1989-Red (confidential version notified same day).

⁴ Sentencing Calendar, 20 October 2016, ICC-01/05-01/13-1990; Decision on Sentencing Witnesses and Setting an Article 76(2) Hearing, 11 November 2016, ICC-01/05-01/13-2025, paras 19-20.

⁵ The upcoming deadlines are as follows: (i) 23 November 2016 (disclosure and submission of any additional materials to be considered for sentencing); (ii) 7 December 2016 (written sentencing submissions) and (iii) 12-14 December 2016 (oral sentencing hearing).

⁶ *Acte d'appel de la Défense de Maître Aimé Kilolo Musamba à l'encontre du «Judgment pursuant to Article 74 of the Statute» (ICC-01/05-01/13-1989-Conf) rendu par la Chambre de première instance VII, le 19 octobre 2016*, 7 November 2016, ICC-01/05-01/13-2015.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request, subject to paragraph 3 above; and

ORDERS the Registry to reclassify the Request as 'public'.

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

A handwritten signature in black ink, appearing to read 'Bertram Schmitt', is written over a horizontal line.

Judge Bertram Schmitt, Presiding Judge

Dated 21 November 2016

At The Hague, The Netherlands