

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 3 September 2008

PRE-TRIAL CHAMBER III

Before: Judge Fatoumata Dembele Diarra, Presiding Judge
Judge Hans-Peter Kaul, Judge
Judge Ekaterina Trendafilova, Judge

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

Public Redacted Version

**Decision Requesting Additional Information in Respect of the Prosecutor's
Application for Warrant of Arrest under Article 58**

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

Counsel for the Defence

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
Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Pre-Trial Chamber III (the "Chamber") of the International Criminal Court (the "Court") is seized of an "Application for Warrant of Arrest under Article 58" with Annexes (the "Application") which was filed by the Prosecutor in the record of the situation in the Central African Republic on 9 May 2008¹.

2. In the Application the Prosecutor requested², *inter alia*, (i) that the Application be received by the Chamber under seal; (ii) that the existence of the Application also be sealed; and (iii) that any proceedings conducted in connection with the Application be held *ex parte* in closed sessions.

3. The Chamber will first address the above-mentioned requests. It accepts the arguments advanced by the Prosecutor, namely that public awareness of the existence and contents of the Application and of the proceedings in respect of it could at this stage obstruct or endanger the investigation and the proceedings before the Court³.

4. The Chamber further notes article 19(1) of the Rome Statute pursuant to which it shall satisfy itself that it has jurisdiction in any case brought before it. It also notes article 58(1) of the Rome Statute according to which a warrant of arrest is to be issued by the Chamber if it is satisfied that there are reasonable grounds to believe that the person in question has committed a crime within the jurisdiction of the Court and that the arrest is necessary.

5. In order to fulfill properly these duties in respect of the Application, the Chamber considers that additional information and supporting material is needed and that it is within the powers of the Chamber to request its submission.

¹ ICC-01/05-13-US-Exp.

² ICC-01/05-13-US-Exp., para. 18.

³ ICC-01 /05-13-US-Exp , in particular paras 19 to 21.

FOR THESE REASONS, THE CHAMBER DECIDES

a) that the receipt, contents and existence of the Application with its Annexes are to be kept under seal, until further order by the Chamber;

b) that proceedings in respect of the Application are to be conducted *ex parte* and, as the case may be, *in camera*, until further order by the Chamber;

c) that Prosecutor is requested as soon as possible and at the latest by 27 May 2008 to provide:

(i) the document containing the referral by the Central African Republic as submitted in accordance with article 13 (a) of the Rome Statute;

(ii) additional information, as precise as possible, and supporting material concerning the alleged offences committed by the MLC troops referred to in paragraphs 117 and 118 of the Application (including the statement of [redacted]);

(iii) the FIDH report referred to in paragraphs 60, 105 and 106 of the Application or its exact reference;

(iv) supporting material concerning the allegations in paragraphs 26, 27, 29, 45 (last sentence), 68 (including the speech delivered by Mr Patassé on 25 November 2002), 84, 94 (including the interview of Mr Bemba in the newsmagazine *Jeune Afrique*), 106 (concerning the visit of Mr Bemba in Bangui) and 111 (including the statement of [redacted]) of the Application;

(v) additional information, as precise as possible, and supporting material to substantiate counts number 2 and 4;

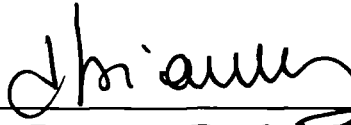
(vi) additional information, as precise as possible, and supporting material to substantiate counts number 8 and 9 (including the statements of [redacted], referred to in paragraph 59);

(vii) the last 7 pages (pages 83 to 89) missing in Annex 2B to the Application;

(viii) information as to why Annex 6 to the Application, which is a public document,

is submitted to the Chamber in redacted form.

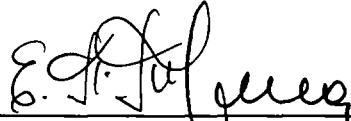
Done in both English and French, the English version being authoritative.



Judge Fatoumata Dembele Diarra
Presiding Judge



Judge Hans-Peter Kaul
Judge



Judge Ekaterina Trendafilova
Judge

Dated this 3 September 2008

At The Hague, The Netherlands