



Original: **French**

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

Date: **24 May 2008**

**PRE-TRIAL CHAMBER III**

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

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

**Public Document**

**Decision to Unseal the Warrant of Arrest for Mr Jean-Pierre Bemba Gombo**

Decision/Order/Judgment 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 Petra Kneuer, Trial Lawyer

**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. On 24 May 2008, the Prosecutor submitted an application entitled “Prosecutor's Application for Unsealing the Arrest Warrant against Jean-Pierre BEMBA” (“Application for Unsealing”) to Pre-Trial Chamber III (“the Chamber”) of the International Criminal Court (“the Court”).<sup>1</sup>

2. The Chamber recalls that it was seized of an application filed by the Prosecutor on 9 May 2008 entitled “Application for Warrant of Arrest under Article 58” with annexes, for the issuance of a warrant of arrest for Mr Jean-Pierre Bemba Gombo (“Mr Jean-Pierre Bemba”).<sup>2</sup> In the application, the Prosecutor requested that the warrant and the subsequent proceedings be maintained under seal on the ground that “public awareness of this application, related proceedings and/or the Pre-Trial Chamber’s determination prior to the arrangements securing BEMBA’s arrest, could cause BEMBA to flee and to obstruct or endanger the investigation or the proceedings of the Court”. The Chamber allowed this application in a decision issued on 21 May 2008.<sup>3</sup>

2. On 23 May 2008, the Prosecutor filed an “Application for Request for Provisional Arrest Under Article 92”, requesting that the Chamber issue a request for provisional arrest in view of the imminent risk of Mr Jean-Pierre Bemba fleeing to an unknown destination.<sup>4</sup>

3. In light of the most recent information to come into his possession, the Prosecutor maintained that Mr Jean-Pierre Bemba had allegedly left the Portuguese Republic to travel to the Kingdom of Belgium, to a residence outside Brussels which he allegedly intends to leave on 25 May 2008.

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<sup>1</sup> ICC-01/05-01/08-4-US-Exp.

<sup>2</sup> ICC-01/05-13-US-Exp.

<sup>3</sup> ICC-01/05-14-US-Exp.

<sup>4</sup> ICC-01/05-15-US-Exp.

4. On 23 May 2008, the Chamber issued a warrant of arrest for Mr Jean-Pierre Bemba<sup>5</sup> under seal pursuant to article 58 of the Rome Statute. That same day, the Chamber issued a request to the Kingdom of Belgium for the provisional arrest of Mr Jean-Pierre Bemba.<sup>6</sup>

5. In his Application for Unsealing, the Prosecutor informs the Chamber that on 24 May 2008, the Registry notified the request for provisional arrest to the Kingdom of Belgium and that the necessary arrangements for the arrest of Mr Jean-Pierre Bemba had been made allowing for the imminent execution of the request. Accordingly, the Prosecutor requests the Chamber to unseal the warrant of arrest immediately upon its execution.

6. The Chamber notes regulation 23 *bis* (3) of the *Regulations of the Court* under which it may reclassify a document, particularly at the request of a participant in the proceedings, where the basis for its previous classification no longer exists.

7. The Chamber considers that it is no longer necessary for the warrant of arrest issued for Mr Jean-Pierre Bemba to remain under seal after his arrest.

**FOR THESE REASONS, THE CHAMBER DECIDES**

to unseal the warrant of arrest issued by the Chamber for Jean-Pierre Bemba Gombo on 23 May 2008 and to make it public after his arrest.

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<sup>5</sup> ICC-01/05-01/08-1-US + US-Annex.

<sup>6</sup> ICC-01/05-01/08-3-US.

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

[signed]

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**Judge Fatoumata Dembele Diarra**  
**Presiding Judge**

[signed]

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**Judge Hans-Peter Kaul**

[signed]

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**Judge Ekaterina Trendafilova**

Dated this 24 May 2008

At The Hague, The Netherlands