

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 06 November 2008

PRE-TRIAL CHAMBER III

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Mauro Politi

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

Confidential

**Prosecution's Response to the Pre-Trial Chamber's Request for Clarification on
Document Containing the Charges**

Source: The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the*

Court to:

The Office of the Prosecutor

Counsel for the Defence of Jean-Pierre
Bemba

Mr Nkwebe Liriss

Mr Tjarda E. Van der Spoel

Mr Aimé Kilolo-Musamba

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

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

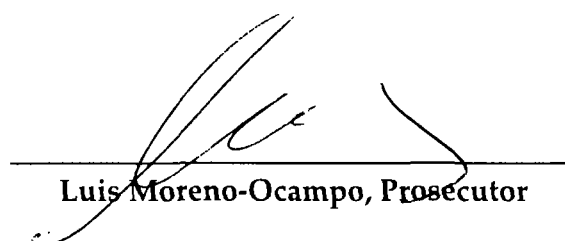
Victims Participation and Reparations Other
Section

1. On 3 October 2008, the Prosecutor filed the "Prosecution's Submission of the Public Redacted Version of the Document Containing the Charges against Jean-Pierre Bemba Gombo" to which he appended the "Document containing the charges" as annex A¹.
2. On 17 October 2008 the Prosecutor filed the "Prosecution's Submission of Amended Document Containing the Charges and Amended List of Evidence" to which he appended the "Amended Document Containing the Charges (the "DCC") as annex 3A².
3. On 4 November 2008 the Pre-Trial Chamber requested clarification regarding the Prosecution's characterization of the armed conflict.
4. The Prosecutor clarifies his legal characterization of the armed conflict in the Central African Republic between 25 October 2002 and 15 March 2003 as follows.
5. In the counts referred to in the Prosecution's Submissions, the Prosecutor charges Jean-Pierre Bemba Gombo with war crimes committed within the context of a non-international armed conflict.
6. This legal characterization is retained because the Prosecution is at this stage able to establish substantial grounds to believe that the conduct occurred as part of a non-international armed conflict.

¹ ICC-01/05-01/08-136-AnxA

² ICC-01/05-01/08-169-Anx3-A

7. While not ruling out the possibility that the conduct charged may have occurred in the context of an international armed conflict, the Prosecution is not in possession of evidence thereof.
8. Consistent with the Decision on the Prosecutor's Application for a Warrant of Arrest against Jean-Pierre Bemba Gombo dated 10 June 2008, the Prosecution further submits that Counts 2, 4, 5, 6 and 8 arise from conduct which constitutes a war crime, irrespective of how the conflict is characterized.



Luis Moreno-Ocampo, Prosecutor

Dated this 6th day of November 2008

At The Hague, The Netherlands