

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **French**

No.: **ICC-01/05-01/08**
Date: **28 October 2008**

PRE-TRIAL CHAMBER III

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

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF**

THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO

Confidential

Application for the Return of Defence Evidence

Source: Mr Jean-Pierre Bemba Gombo's Defence Team

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

The Office of the Prosecutor

Fatou Bensouda

Petra Kneuder

Counsel for the Defence

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

Mr Didier Daniel Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

SUBJECT OF THE APPLICATION

1. The Applicant hereby seeks the return of the Defence evidence seized by the Office of the Prosecutor.

THE FACTS OF THE CASE

2. On 13 April 2006, the Court of Cassation of the Central African Republic referred the situation in the Central African Republic to the International Criminal Court;

3. On 22 May 2007, the Prosecutor of the International Criminal Court announced the initiation of an investigation into the crimes in the Central African Republic;

4. That the media have since announced that several Congolese figures from the MLC have been interviewed by ICC investigators, such that, since that time, Mr Jean-Pierre Bemba Gombo began collecting evidence which might enable him to respond effectively to the Prosecutor's investigators who might have to question him;

5. On the basis of an international warrant of arrest issued on 23 May 2008 by Chamber III of the International Criminal Court, the Office of the Prosecutor of the International Criminal Court addressed to the State of Belgium a request for the arrest and surrender of Mr Bemba Gombo;

6. On the night of 24 May 2008, a large number of police officers burst into Jean-Pierre's family home in Rhode-Saint-Genèse, Belgium, and seized several items transmitted to the Office of the Prosecutor;

7. Several days later, the home in Faro, Portugal, was searched and several other items were seized and made available to the Office of the Prosecutor;

8. No inventory of the objects seized from his residence has thus far been communicated to Mr Jean-Pierre Bemba as he is entitled to expect;

9. Nevertheless, it must be noted that evidence that the Defence intends to use was seized by the Office of the Prosecutor; in particular, a laptop computer containing a file marked "CPI" [ICC]; 3 videotapes showing the trial of MLC soldiers suspected of perpetrating crimes in the Central African Republic, seized in Rhodes-Saint-Génèse; documents of the trial of MLC soldiers suspected of having committed crimes in Mombasa, seized in Faro.

10. He has never been interviewed by investigators of the Prosecutor of the ICC although, having been on Schengen territory for more than a year and a half, he expected it as part of the Prosecutor's obligation to investigate incriminating *and exonerating* circumstances;

FOR THESE REASONS,

11. The Applicant respectfully requests you, the judges of Pre-Trial Chamber III of the International Criminal Court, to allow these submissions and declare them admissible and that they have merit:

12. Order the Prosecutor to provide a complete inventory of the items and personal effects seized from the family homes of Jean-Pierre Bemba Gombo in Rhodes-Saint-Génèse and Faro respectively;

13. Order the return – or, at the very least, a true copy – of the evidence taken away from him, in particular, a laptop computer containing a file marked "CPI" [ICC]; 3 videotapes showing the trial of MLC soldiers suspected of perpetrating crimes in the Central African Republic, which were seized in Rhodes-Saint-Génèse; and documents of the trial of MLC soldiers suspected of having committed crimes in Mombasa, which were seized in Faro.

And justice shall be done.

[signed]

Aimé Kilolo-Musamba
Associate Defence Counsel

Dated this 28 October 2008

At The Hague, The Netherlands