

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/05-01/08
Date: 12 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

**Decision of the Registrar on the monitoring of the non-privileged
communications and visits of Jean-Pierre Bemba Gombo**

Source: REGISTRAR

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

The Office of the Prosecutor

Fatou Bensouda, Deputy Prosecutor
Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

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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
Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section
Anders Backman

**Victims Participation and Reparations
Section**

Other
Presidency

The Registrar of the International Criminal Court ("the Court");

NOTING regulations 23bis, 90 and 100 of the Regulations of the Court, and regulations 169(3), 175, 180, 183 and 184 of the Regulations of the Registry;

NOTING the "*First decision on the Prosecutor's request for redactions*"¹ issued by the Single Judge on 31 August 2008;

NOTING the "*Decision on the monitoring of Jean-Pierre Bemba Gombo's Non-Privileged Communications*"² issued by the Single Judge on 22 September 2008;

CONSIDERING that, following the aforementioned decisions of the Single Judge, the Registrar has submitted two reports on the monitoring of the non-privileged communications of Mr. Jean-Pierre Bemba Gombo;

CONSIDERING that it appears, from the outcome of the monitoring, that Mr. Jean-Pierre Bemba Gombo has been using aliases and code names in order to avoid identifying people, locations, properties and amounts of money;

CONSIDERING that the examination of the monitoring of the non-privileged communications of Mr. Jean-Pierre Bemba Gombo provides indication and reasonable grounds to believe that the latter may be attempting to "interfere with the administration of justice" by making arrangements to avoid the identification and the freezing of his assets by the Chamber, and/or "jeopardise the interests of public safety or the rights or freedom of any person";

¹ ICC-01/05-01/07-85-Conf

² ICC-01/05-01/08-118-Conf

CONSIDERING that, in the exercise of her functions, the Registrar who has overall responsibility for all aspects of management of the detention centre is privy to the requests made by the visitors of Mr. Jean-Pierre Bemba Gombo; and that it appears from the information provided to her on the identity of certain visitors that they may be assisting Mr. Jean-Pierre Bemba Gombo to “interfere with the administration of justice” and/or “jeopardise the interests of public safety or the rights or freedom of any person”;

CONSIDERING that the Registrar has reasonable grounds to believe that the aliases and code names identified in the non-privileged communications which were monitored could be agreed upon during visits taking place at the detention centre and that those visits may, unlike the telephone conversations who are listened to since the beginning of the monitoring, serve as alternative means to “interfere with the administration of justice”, and/or “jeopardise the interests of public safety or the rights or freedom of any person”;

THEREFORE,

DECIDES not to grant private visits to Mr. Jean-Pierre Bemba Gombo for a period of 14 calendar days as of the notification of this decision;

REMINDS the Chief Custody Officer to continue the regular review of the incoming and outgoing mail of Mr. Jean-Pierre Bemba Gombo, in accordance with regulation 169 of the Regulations of the Registry, and to take the time necessary for a careful review;

CONSIDERS, unless otherwise decided by the Chamber, that the decision of the Single judge dated 22 September 2008³ remains applicable and, therefore, orders the

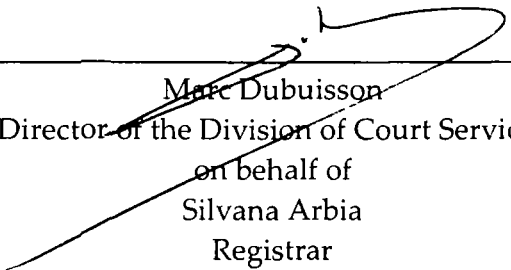
³ Ibid

Chief Custody Officer, to continue implementing the monitoring of the non-privileged communications of Mr. Jean-Pierre Bemba Gombo accordingly;

ORDERS the Chief Custody Officer upon notification of the present decision to implement according to regulation 184(2) and (4) of the Regulations of the Registry for a period of 14 calendar days, the monitoring of all visits to the detained person and, if necessary, to reduce the number of such visits for an efficient and effective management of the detention centre;

ORDERS the Chief Custody Officer to provide a report on the review of the incoming and outgoing correspondence and on the monitoring of both non-privileged communications and visits at the end of the period of 14 calendar days;

REMAINS seized of the situation and will review, after the period of 14 calendar days, the necessity to continue the monitoring of the non-privileged communications and visits as well as the non-authorization of private visits.



Marc Dubuisson
Director of the Division of Court Services
on behalf of
Silvana Arbia
Registrar

Dated this 12 November 2008

At the Hague, the Netherlands