

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date **21 November 2008**

THE PRESIDENCY

Before: Judge Philippe Kirsch, President
Judge Akua Kuenyehia, First Vice-President
Judge René Blattmann, Second Vice-President

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO

URGENT

**Confidential *ex parte* only available to the Registrar
Decision concerning the Applications for judicial review
of Mr Jean-Pierre Bemba Gombo of 10 and 11 November 2008**

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

REGISTRY

Registrar

Ms Silvana Arbia

Detention Section

Mr Anders Backman, Chief Custody Officer

Deputy Registrar

Mr Didier Daniel Preira

The Presidency of the International Criminal Court,

In the applications for judicial review of Mr Jean-Pierre Bemba Gombo (“applicant”) of 10 and 11 November 2008, entitled: “Recours de la Défense contre la Décision du Greffe du 10 Novembre 2008 intitulée ‘Decision of the Registrar on the monitoring of the non-privileged communications and visits of Mr Jean Pierre Bemba Gombo’”¹ and “Recours Ampliatif de la Défense contre la Décision du Greffe du 10 Novembre 2008 intitulée ‘Decision of the Registrar on the monitoring of the non-privileged communications and visits of Mr Jean Pierre Bemba Gombo’”;²

Noting the “Decision of the Registrar on the monitoring of the non-privileged communications and visits of Mr. Jean-Pierre Bemba Gombo” of 10 November 2008 wherein the Registrar, *inter alia*, ordered the Chief Custody Officer to monitor all visits to the applicant and, if necessary, to reduce the number of such visits, for an efficient and effective management of the detention centre (“Decision of the Registrar”);³

Noting the memorandum of 10 November 2008, pursuant to the Impugned Decision, addressed to the applicant from the Chief Custody Officer, entitled “Informations relatives à la mise en oeuvre de la surveillance des visites non-privilégiées” whereby the applicant was informed of the restricted duration and frequency of non-privileged visits and the way in which the monitoring of those visits would be effected (“Impugned Measures”);⁴

Noting the Presidency’s “Order concerning the Applications for judicial review of Mr Jean-Pierre Bemba Gombo of 10 and 11 November 2008” of 13 November 2008, requesting the Chief Custody Officer to explain the reasons behind the reduction in the frequency and duration of non-privileged visits to the applicant;⁵

Noting the “Explanation of the reasons behind the reduction in the frequency and the duration of non-privileged visits to Mr. Jean-Pierre Bemba Gombo” of 14 November 2008;⁶

Considering, with respect to the duration and frequency of visits where the language used is French or English, that two custody officers are fluent in French while the others are fluent in English, that the applicant is required to notify the Chief Custody Officer 48 hours in advance of a visit of the language or languages to be used by him and his visitors during the visit; and, as such, the reasons for the presence of both a language assistant who is fluent in French and English and a custody officer during a visit is not adequately explained;

¹ ICC-01/05-01/08-233-Conf.

² ICC-01/05-01/08-236-Conf.

³ ICC-01/05-01/08-231-Conf. A corrigendum to the Decision of the Registrar was filed on 12 November 2008, and was registered in the record of the case as ICC-01/05-01/08-231-Conf-Corr.

⁴ ICC-01/05-01/08-248-Conf-Exp-Anx1.

⁵ ICC-01/05-01/08-245-Conf.

⁶ ICC-01/05-01/08-248-Conf-Exp-Anx2.

Renders the following

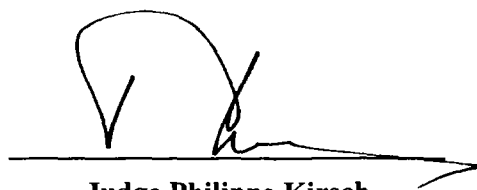
DECISION

The application is dismissed in part. The Decision of the Registrar is upheld in so far as it concerns the non-authorisation of private visits to the applicant and the monitoring of the non-privileged communications and visits of the applicant.

The Impugned Measures, in so far as they relate to the duration of visits where the language used is English or French and the frequency of weekend visits of the applicant, are quashed and remitted to the Chief Custody Officer for a new determination if deemed necessary.

The reasons for this decision will be given shortly.

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

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a series of loops and a long horizontal stroke ending in a small upward flick.

Judge Philippe Kirsch

President

Dated this 21 November 2008

At The Hague, The Netherlands