

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 24 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

With Annex Ex parte Presidency and Registry only

**Registrar's Order for the renewal of 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
Nkwebe Liris
Karim Ahmad Khan
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 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;

NOTING the "*Decision of the Registrar on the monitoring of the non-privileged communications and visits of Jean-Pierre Bemba Gombo*"³ issued by the Registrar on 10 November 2008 and amended on 12 November 2008 by a corrigendum ;

NOTING the Presidency "*Decision concerning the Applications for judicial review of Mr. Jean-Pierre Bemba Gombo of 10 and 11 November 2008*"⁴ issued on 21 November 2008;

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;

CONSIDERING the Registrar's reports to the Pre-trial Chamber on the monitoring of the non-privileged communications of Mr. Jean-Pierre Bemba Gombo;

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

¹ ICC-01/05-01/07-85-Conf.

² ICC-01/05-01/08-118-Conf.

³ ICC-01/05-01/08-231-Conf-Corr.

⁴ ICC-01/05-01/08-271-Conf-Exp.

the freezing of his assets by the Chamber, and/or "jeopardise the interests of public safety or the rights or freedom of any person";

CONSIDERING that it appears from the outcome of the active monitoring of the non-privileged communications of Mr. Jean-Pierre Bemba Gombo that aliases and code names are being used;

CONSIDERING furthermore that the actively monitored communications of Mr. Jean-Pierre Bemba Gombo clearly reveal that one of his interlocutors has transmitted via a visitor information intended to Mr. Jean-Pierre Bemba Gombo few days before the Registrar's decision on monitoring;

CONSIDERING that in so doing both interlocutors had in mind that the communication was actively monitored and even expressed their concern about the monitoring⁵;

HAVING reviewed the situation as to the necessity of the continuation of imposing the active monitoring of the non-privileged communications and visits of Mr. Jean-Pierre Bemba Gombo;

THEREFORE,

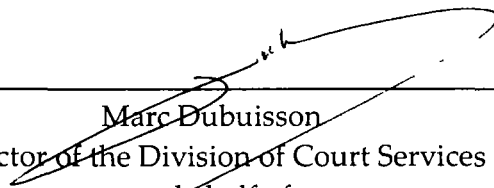
DECIDES to renew the first order on monitoring of the non-privileged communications and visits for a period of 14 calendar days as of the notification of this decision to Mr. Jean-Pierre Bemba Gombo;

ORDERS the Chief Custody Officer to notify this order to Mr. Jean-Pierre Bemba Gombo and to continue implementing the monitoring in compliance with the first decision and in light of the Presidency decision⁶;

⁵ Annex.

ORDERS the Chief Custody Officer to continue providing reports on the monitoring of both non-privileged communications and visits;

REMAINS seized of the situation and will review, at the end of the period of 14 calendar days, this order and extend it if necessary.



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

Dated this 24 November 2008
At The Hague, the Netherlands

⁶ Supra footnote 4