

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 5 January 2009

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

**Fourth Order of the Registrar for the Renewal of the Monitoring of the
Non-Privileged Communications only 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 Combo'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 Combo*"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 Combo of 10 and 11 November 2008*"⁴ ("the Decision of the Presidency of 21 November 2008") issued on 21 November 2008;

NOTING the "*Registrar's Order for the renewal of the monitoring of the non-privileged communications and visits of Jean-Pierre Bemba Gombo*"⁵ issued on 24 November 2008;

NOTING the "*Second Order of the Registrar for the Renewal of the Monitoring for the Renewal of the Monitoring of the Non-Privileged Communications and Visits of Jean-Pierre Bemba Gombo*"⁶ issued on 8 December 2008;

NOTING the "*Third Order of the Registrar for the Renewal of the Monitoring for the Renewal of the Monitoring of the Non-Privileged Communications and Visits of Jean-Pierre Bemba Gombo*"⁷ issued on 22 December 2008;

¹ ICC-01/05-01/08-85-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

⁵ ICC-01/05-01/08-279-Conf

⁶ ICC-01/05-01/08-313-Conf

⁷ ICC-01/05-01/08-332-Conf

NOTING regulations 23bis, 90 and 100 of the Regulations of the Court, and regulations 169(3), 175, 177, 180 and 183 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 telephone 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";

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

CONSIDERING that, after having examined all the conversations between Mr. Jean-Pierre Bemba Gombo and his wife and children during the family visits at the detention centre, it appears that these conversations including those engaged occasionally with coded information do not provide sufficient grounds for the continuation of imposing the active monitoring of conversations during such visits;

HAVING reviewed the situation as to the necessity of the continuation of imposing the active monitoring of the non-privileged telephone communications of Mr. Jean- Pierre Bemba Gombo as provided for by the Single Judge's Decision of 22 September 2008⁸;

⁸ ICC-01/05-01/08-118-Cont

THEREFORE,

DECIDES to cease the imposition of the active monitoring of the conversations held during the visits received by Mr. Jean-Pierre Bemba Gombo as of the notification of the present decision to the latter;

DECIDES, however, to continue the implementation of the Single Judge's Decision⁹ on the monitoring of the non-privileged telephone communications of Mr. Jean-Pierre Bemba Gombo for a period of 14 calendar days as of the notification of this decision to the latter;

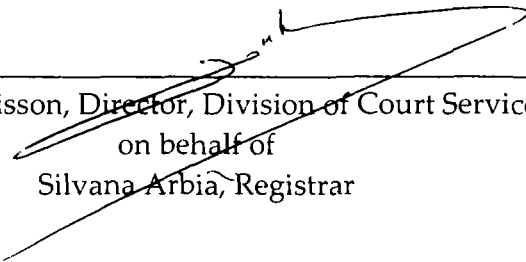
ORDERS the Chief Custody Officer to notify this order to Mr. Jean-Pierre Bemba Gombo and to continue the monitoring of his non-privileged telephone communications in compliance with the present decision and to continue providing reports on such monitoring;

ORDERS the Chief Custody Officer to reinstate Mr. Jean-Pierre Bemba's rights to receive family and private visits under the normal regime as would permit the demands of the daily schedule of the detention centre and the facilities and staff available;

⁹ Ibid

REMAINS seized of the situation and will report regularly to the Chamber in accordance with the Single Judge's Decision¹⁰;

DECIDES to review this order at the end of the period of 14 calendar days and to extend it, if so decided by the Chamber.



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

Dated this 5 January 2009

At The Hague, The Netherlands

¹⁰ Ibid , pages 7-8, paras 21-22