



Original: English

No.: ICC-01/05-01/08 OA2

Date: 6 October 2009

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka
Judge Daniel David Ntanda Nsereko

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
v. JEAN-PIERRE BEMBA GOMBO**

Public

Prosecution's Response to «Demande d'autorisation d'intervenir comme Amicus Curiae dans l'Affaire le Procureur c. Jean Pierre Bemba Gombo, en vertu de la Règle 103 du Règlement de Procédure et de Preuve de la Cour »

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence

Nkwebe Liriss

Karim A.A.Khan

Aimé Kilolo-Musamba

Pierre Legros

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

Competent authorities of
the Kingdom of Belgium,
the Republic of France,
the Federal Republic of Germany,
the Italian Republic
the Kingdom of the Netherlands,
the Republic of Portugal,
the Republic of South Africa

REGISTRY

Registrar

Defence Support Section

Ms Silvana Arbia

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Prosecution opposes the Application under Rule 103 by the “Association pour la promotion de la démocratie et du développement de la République Démocratique du Congo” (“Aprodec” or the “Applicant”)¹ to participate as *amicus curiae* and requests that its Application be dismissed.
2. First, the Application does not respect the process of *amicus curiae* as it presents substantive arguments before the Applicant has been granted leave to participate. Second, the Applicant seeks to provide general observations on issues which are not currently before the Chamber.² Third, The Application also fails to demonstrate what expertise the Applicant has to offer on the particular issues on appeal or how its submissions will assist the Chamber in the proper determination of those issues.³

II. Procedural Background

3. On 3 July 2008, following the issuance of two warrants of arrest,⁴ Jean-Pierre Bemba Gombo (“the Accused”) was surrendered to the seat of the Court.⁵
4. Aprodec has previously requested to intervene in the current proceedings as *amicus* in two occasions. Both requests were rejected. On 25 May 2009 Aprodec requested to provide observations on the question of “sufficient gravity” set out in article 17(1) in the context of article 28 and to contest the imprecision of the charges.⁶ This application was denied.⁷ On 15 July 2009 the Applicant filed a second application requesting leave to provide observations on (a) the relevance, probative value and admissibility of the evidence as determined by the Chamber considering the impartiality of the Prosecutor’s Office, and (b) the admissibility of the case due to lack of gravity according to Article 17(1)(d).⁸ The Single Judge also rejected this application. In relation to the first issue, the Single Judge concluded that Aprodec’s arguments actually related to the selection of cases by the Prosecutor and his prosecutorial policy, and that these were matters not being dealt with

¹ ICC-01/05-01/08-522-Corr, 16 September 2009 (“the Application”).

² ICC-01/05-01/08-538 OA2, para. 4, “Note Supplémentaire”.

³ The two grounds of appeal raised by the Prosecution are: “(1) The Single Judge erred by finding ‘a substantial change of the circumstances since the issuance of the 14 April 2009 Decision’ sufficient to justify the Accused’s conditional release; and (2) The Single Judge erred in ordering conditional release without considering the conditions and specifying a State willing and able to enforce them”. ICC-01/05-01/08-485 (“Prosecution’s Document in Support of Appeal”), para. 23.

⁴ ICC-01/04-01/08-14-tENG; ICC-01/05-01/08-15-tENG.

⁵ ICC-01/05-01/08-T-3-ENG ET, 4 July 2008.

⁶ ICC-01/05-01/08-420.

⁷ ICC-01/05-01/08-421, 29 May 2009.

⁸ ICC-01/05-01/08-450.

by the Chamber. Likewise, the second was not an issue that the Chamber had been seized with.⁹

5. After three prior applications for interim release were denied,¹⁰ on 14 August 2009 the Single Judge granted conditional release under conditions and to a custodial State to be decided subsequently.¹¹
6. The Prosecution appealed,¹² filing its Document in Support of the Appeal on 24 August 2009.¹³ On 31 August 2009 the Defence filed its Response.¹⁴
7. On 14 September 2009 Aprocdec filed the Application to participate as *amicus*¹⁵ to which a Corrigendum with minor terminology changes was filed on 16 September.¹⁶
8. On 18 September 2009 Pre-Trial Chamber III denied the Prosecution's request to appeal the decision on confirmation of charges,¹⁷ Trial Chamber III was constituted.¹⁸
9. On 30 September 2009 the Applicant filed an urgent "Note Supplémentaire" in support of its previous application.¹⁹

III. Argument

A. The Application

10. The Applicant requests the Appeals Chamber to submit observations on two issues:²⁰

- (1) "The criteria, in a decision on conditional release, for the objective evaluation of the changed circumstances with respect to: a) the risk of a suspect's absconding; and b)

⁹ ICC-01/05-01/08-453, 17 July 2009.

¹⁰ ICC-01/05-01/08-49 and annexes ("First Application for Interim Release"); ICC-01/05-01/08-200-tENG and annexes ("Second Application for Interim Release"); and ICC-01/05-01/08-333-Conf and annexes ("Third Application for Interim Release"); ICC-01/05-01/08-73-Conf; a public redacted version thereof was issued on 26 August 2008 (ICC-01/05-01/08-80-Anx). ("20 August 2008 Decision"); ICC-01/05-01/08-321 ("16 December 2008 Decision"); ICC-01/05-01/08-403 ("14 April 2009 Decision").

¹¹ "Decision on the Interim Release of Jean-Pierre Bemba Gombo and Convening Hearings with the Kingdom of Belgium, the Republic of Portugal, the Republic of France, the Federal Republic of Germany, the Italian Republic, and the Republic of South Africa" ("Appealed Decision"), ICC-01/05-01/08-475.

¹² ICC-01/05-01/08-476.

¹³ The Appeal Brief was filed both, as Confidential and Partly *Ex Parte*, and Public: ICC-01/05-01/08-483-Conf-Exp; ICC-01/05-01/08-485.

¹⁴ ICC-01/05-01/08-493-Conf OA2. Although initially filed as public it was reclassified as Confidential pursuant to Order ICC-01/05-01/08-498-Conf OA2, 2 September 2009. They filed Confidential and Public Redacted Versions with a Corrigendum on 3 September 2009: ICC-01/05-01/08-503-Conf-AnxA OA2; ICC-01/05-01/08-503-AnxB OA2, respectively.

¹⁵ ICC-01/05-01/08-522.

¹⁶ ICC-01/05-01/08-522-Corr. ("the Application").

¹⁷ ICC-01/05-01/08-532.

¹⁸ ICC-01/05-01/08-534; ICC-01/05-01/08-535 and ICC-01/05-01/08-533, respectively. On 23 September the judges of Trial Chamber III elected Judge Adrian Fulford as the Presiding Judge in the case against the Accused. See ICC-01/05-01/08-536.

¹⁹ ICC-01/05-01/08-538 OA2.

²⁰ Application, paras. 2, 75 ; Note Supplémentaire, para. 1.

endangering the victims and witnesses – such criteria being read in conjunction with articles 58(1), 60(2) and 3 of the Rome Statute;

- (2) The procedure for conditional release in terms of determining a receiving country and appropriate conditions in light of articles 66, 67, 86, 87 and 88 of the Rome Statute.”

11. Nevertheless, the Applicant subsequently stated in its Note Supplémentaire that “its analysis and observations have the sole purpose of safeguarding the truth and justice because the Court cannot decide on the merits based on the serious factual and legal errors.”²¹

B. The requirements for amicus curiae participation

12. Chambers of this Court have consistently stated that an applicant seeking to participate as *amicus curiae* pursuant to Rule 103 must secure leave of the competent Chamber before submitting observations.²² The Appeals Chamber has affirmed that the Chamber will consider whether such submissions may assist it “in the proper determination of the case”.²³ Such assessment is made on a case by case basis.²⁴ Moreover, the proposed observations have to relate to concrete issues before the Chamber.²⁵ The Chamber will then reflect on the applicant’s suitability to provide pertinent information or expertise that may assist the Chamber in the determination of the issue before it.²⁶ Only in those instances granting leave will be deemed desirable and appropriate.²⁷

13. Therefore, the applicant should indicate, *inter alia*, (i) which interests, groups or general views it represents and how these are related to the issue before the Chamber;²⁸ (ii) why its submissions may assist the Court in the issue before it and in the context of the

²¹ Note Supplémentaire, para. 4: “...l’Aprodec asbl réaffirme que ses analyses et observations n’ont pour seul but que de faire triompher la vérité et la justice car, la Cour ne peut se prononcer sur l’espèce en se fondant sur des graves erreurs de faits et de droit.”

²² ICC-01/04-01/06-1289; ICC-01/04-373; ICC-01/04-01/06-919-tEN; ICC-02/04-01/05-342. The Appeals Chamber has stated that it is left to its discretion to grant such leave. See ICC-01/04-01/06-1289, para. 8.

²³ ICC-01/04-01/06-1289, para. 8; ICC-02/04-01/05-333, para.8; ICC-01/05-01/08-401, para.11.

²⁴ ICC-01/04-373, para. 3.

²⁵ ICC-02/04-01/05-342, para.12; ICC-01/05-01/08-453, para. 10; ICC-01/04-01/06-480, p. 3.

²⁶ ICC-01/04-373, para. 4: “[...] it is the view of the Chamber that the rationale for admitting amicus curiae in the proceedings is to have the opportunity to get experts’ information on relevant issues of legal interest for the proceedings in order to provide the Chamber with a contribution to the proper determination of the case”.

²⁷ In addition, the desirability and appropriateness has to be assessed against the duty of the Chamber to ensure the expeditiousness of the proceedings as a fundamental tenet of their fairness. ICC-02/04-01/05-342, para. 9; ICC-02/04-01/05-333, para.11.

²⁸ The Court has to be able to ascertain that the organization seeking *amicus curiae* status is representative of a wider view. Williams S. and Woolaver H., “*The Role for the Amicus curiae before International Criminal Tribunals*”, International Criminal Law Review 6 (2006), p. 186. The authors have criticized the fact that whilst certain organization may seek to act as *amicus* representing certain views or groups, the Court may be unaware that there are perhaps other more representative groups, or groups representing equally important and relevant issues which have not sought to become involved in the proceedings.

proceedings,²⁹ including any additional or novel information which has not been presented by the parties and participants or is available to the Chamber through statutory or other resources;³⁰ (iii) the degree of the applicant's factual knowledge or legal expertise depending on the issues it seeks to provide submissions. The latter requirement, explicitly acknowledged by this Court,³¹ aims at avoiding the filing of irrelevant, unnecessary or frivolous submissions that would waste court time and resources.

14. The role of the *amicus* has been traditionally defined as “help[ing] the court by expounding the law impartially”.³² Thus, the Chamber will normally ensure that the *amicus* provide impartial information to the Court³³ and that its role is not extended beyond its traditional boundaries, or that its intervention otherwise undermines its traditional status and credibility.³⁴

C. The Application fails to meet the fundamental requirements for *amicus curiae* participation

15. The Prosecution firstly notes that the Application merges in a single document a request to file submissions under Rule 103 with a number of substantive arguments unrelated to such request.³⁵ To the extent that the Applicant has sought to circumvent the clear procedure envisioned in Rule 103 and advance substantive submissions in the absence of leave to do so, the Application should be rejected *in limine*.

16. If the Appeals Chamber nonetheless considers that the document filed by the Appellant does meet the requirements of Rule 103, the Prosecution submits in the alternative that the

²⁹ This is required in the ICTY. See the ICTY Registry's Directive *Information Concerning the Submission of Amicus Curiae Briefs*, 27 March 1997, IT/22, p.1, para. 3 (e): “the applicant's reasons for believing his submission will aid in the proper determination of the case or issue”.

³⁰ The ICC Jurisprudence (as indicated in para.12) requires the applicant to specify the issues it seeks to provide submissions on and that these issues are live or matters currently before the Chamber. The Appeals Chamber has also stated that the *amicus* submissions have to be desirable for the proper determination of the case (ICC-01/04-01/06-1289). It could be inferred that these submissions provide something new or distinctive that the Chamber has not seen before. Otherwise, they would not be needed. Therefore, the applicant should demonstrate the novelty of its submissions and the fact that they are not repetitive to other presented by participants or other *amicus*. This would guarantee an expeditious and efficient trial. The rights of the accused and the fairness of the proceedings will not be affected as the Chamber has already before it those arguments. The Chamber must assess the impact of the *amicus* submissions upon the court's own proceedings. Williams S. and Woolaver H., “*The Role for the Amicus curiae before International Criminal Tribunals*”, International Criminal Law Review 6 (2006), p. 186.

³¹ ICC-01/04-373, para. 4. The capability to provide expert information was required when the *amicus* seeks to provide observations of legal nature.

³² Williams S. and Woolaver H., “*The Role for the Amicus curiae before International Criminal Tribunals*”, International Criminal Law Review 6 (2006), p. 152, quoting Salmon L.J.

³³ In this regard, the ICTY Registry's Directive *Information Concerning the Submission of Amicus Curiae Briefs*, 27 March 1997, IT/22, p.1, para.3 (f) requires the applicant to identify and explain any contact or relationship the applicant has, or had, with any party to the case.

³⁴ Williams S. and Woolaver H., “*The Role for the Amicus curiae before International Criminal Tribunals*”, International Criminal Law Review 6 (2006), p. 189.

³⁵ Application, paras. 45-58; 66-71.

Applicant's request for leave to participate as *amicus* should be dismissed for the following reasons: (1) the Application seeks to provide observations that are unrelated to the issues before the Chamber; (2) the Applicant does not demonstrate either the interest or representative nature of an *amicus*, or expertise and knowledge enabling it to provide desirable and objective submissions that would assist the Chamber in the resolution of the issues before it; and (3) the arguments advanced in the application do not show how the applicant can assist the Chamber in the determination of such matters. Therefore, the Applicant would not suitably serve as “friend of the court” on the issues before it and the Application should be rejected.

(a) The Applicant's observations do not relate to the issues before the Appeals Chamber

17. The Applicant claims that it is seeking to present observations on issues related to the current appeal (in particular, on the objective evaluation of the changed circumstances concerning the risk of escape of a suspect and the endangerment of victims and witnesses).³⁶ However, the arguments presented in the text of the Application indicate different objectives.³⁷ This is confirmed by the recent Note Supplémentaire where the Applicant states that “its analysis and observations have the sole purpose of safeguarding the truth and justice because the Court cannot decide on the merits based on the serious factual and legal errors”.³⁸

18. Thus, the Application should be dismissed as the intended observations are unrelated to the relevant issues. The Applicant fails to demonstrate the existence of any information which could assist the Chamber in the determination of the matters before it.³⁹

(b) The Applicant does not meet the qualifications to act as amicus curiae in this appeal

Interest and Representative Nature

19. The Application does not establish any proper interest or representative nature of the Applicant. The Applicant defines itself as “an association without lucrative aim under Belgian law and whose main purpose is to defend the interests of the DRC, Congolese people and people of Congolese origin.”⁴⁰ It also aims at “ensuring a strict respect to the rights of the victims and those of the Accused and advocates for the respect of the

³⁶ See Application, paras. 3 and 75; Note Supplémentaire, para. 1.

³⁷ Application, paras. 45-58; 66-71.

³⁸ Note Supplémentaire, para. 4.

³⁹ ICC-02/04-01/05-342, para. 12. In the *Kony et al.* case, Pre-Trial Chamber II rejected the application of Amnesty International seeking “to supply information of direct relevance on issues that otherwise may not be available to the Court” as too vague.

⁴⁰ Application, para. 3.

presumption of innocence [...].”⁴¹ However, the Application does not provide any information on the representative character of the organization. There is no indication of the structure, composition and activities of the organization to corroborate its alleged interest and purpose.⁴² The Application only provides a physical and electronic address and the registration number of a company in Belgium. There is no information on the number and nature of its membership and its connection with the DRC.⁴³ Moreover, the Applicant also fails to identify any real interest in the resolution of the relevant matters before the Chamber.⁴⁴

Expertise and Knowledge

20. The Applicant allegedly seeks to provide submissions on legal and factual matters related to this appeal.⁴⁵ If this is the case,⁴⁶ the Applicant (and not the persons “collaborating” with the Applicant) should show, at a minimum, expertise and knowledge on both of these areas.

21. The Applicant offers no argument in support of the claim that the Applicant possesses a degree of knowledge of relevant facts that can assist the work of the Chamber. The Applicant also fails to demonstrate any expertise on the legal matters before the Chamber. The Applicant’s only proof of its alleged “expertise” is reduced to the two failed requests to participate as *amicus* in this case (where observations were never provided) and a letter allegedly sent by the Applicant to the Belgium authorities “highlight[ing] the

⁴¹ Note Supplémentaire, para. 4. The Applicant also aims at ensuring a fair proceeding so the judgment is issued beyond reasonable doubt.

⁴² For example, the Note Supplémentaire in para. 5 refers to “the experts” of Aprocdec, but the only person that appears as a member is its President, who is also signing the Application: Mr. Benjamin Stanis Kalombo.

⁴³ Application, para. 3, footnote 2.

⁴⁴ See the issues raised on appeal by the Prosecution in its Document on Support of the Appeal, para. 23 (fn. 3 above). The Tribunal in the International Centre for Investment Disputes requires for granting leave to an *amicus* that the non-disputing party brings a particular knowledge different from the parties, has a significant interest in the proceeding and shall not disrupt the proceeding or unduly burden or unfairly prejudice either party. See *Suez, Sociedad General de Aguas de Barcelona, S.A., and Vivendi Universal v. Argentina: Order in Response to a Petition by Five Non-Governmental Organizations for Permission to make an Amicus Curiae Submission*, 12 February 2007, paras. 13-14. See also *Prosecutor v. Laurent Semanza*, Decision on the Kingdom of Belgium’s Application to file an Amicus Curiae Brief and on the Defence Application to Strike out the observations of the Kingdom of Belgium concerning the preliminary Response by the Defence, ICTR-97-20-T, 9 February 2001, para. 1. The Belgium Government argued that Belgium “was affected particularly by the events that took place in Rwanda from April to June 1994. This explains its *special interest* in following certain cases before the Tribunal and in filing an *amicus curiae* brief in Bagasora and Ntuyahaga cases on certain points of international law.” (para. 10).

⁴⁵ I.e.: On the objective evaluation of the changed circumstances concerning the risk of escape of a suspect and the endangerment of victims and witnesses. See Application, paras. 3 and 75; Note Supplémentaire, para. 1.

⁴⁶ See paragraphs 17-18 above. The Note Supplémentaire, para. 4, seems to acknowledge that the observations will deal with other matters.

unconstitutionality of Belgium's ratification of the Rome Statute and the issue of the legality of the judicial cooperation between Belgium and the ICC".⁴⁷

22. The recently filed Note Supplémentaire states that the Applicant's expertise and credibility "cannot be questioned" as it "collaborates" with a Brussels-based law firm.⁴⁸ First, the Applicant fails to provide any evidence supporting this statement.⁴⁹ Second, this "collaboration" does not relieve the Applicant from its burden of demonstrating its *own* knowledge and expertise. It would go against the essence of the *amicus* participation granting leave to an applicant which lacks any relevant expertise vis-à-vis the issues before the Chamber on the basis that it has hired a qualified attorney.

(c) The Arguments advanced by the Applicant do not explain how it can assist the Chamber and are not related to the issues before it

23. The arguments advanced in the Application also fail to indicate how the Applicant may assist the Chamber in the proper determination of the issues before it.⁵⁰ On the contrary, those arguments bear no apparent connection with the issues that the Applicant allegedly wishes to make observations on⁵¹ or to any other issue before the Chamber:⁵² the Applicant first repeats the Single Judge's arguments in the Appealed Decision;⁵³ it then questions the prosecution of this case in particular and the Prosecutor's policy in general;⁵⁴ and finally, it devotes a large number of paragraphs to politically oriented

⁴⁷ Application, para.4, footnote 3.

⁴⁸ Note Supplémentaire, para. 5.

⁴⁹ Footnote 5 of the Note Supplémentaire only includes a link to a "team" of three lawyers from a Brussels-based law firm. The Note does not provide any document annexed corroborating why type of assistance (if any) is provided by this/ these lawyer/s.

⁵⁰ The Appeals Chamber's Jurisprudence at the ICC has stated that the Chamber should consider whether the *amicus*' submissions may assist it "in the proper determination of the case" (ICC-01/04-01/06-1289, para. 8). As also indicated above, such clarification is required when *amicus* request intervention in the ICTY. See Registry's *Directive Information Concerning the Submission of Amicus Curiae Briefs*, 27 March 1997, IT/22, p.1, para. 3 (e).

⁵¹ Application, paras. 3, 75; Note Supplémentaire, para.1: i.e. on the objective evaluation of the changed circumstances concerning the risk of escape of a suspect and the endangerment of victims and witnesses and on the proceeding of conditional release concerning the determination of a host country and the sufficient measures.

⁵² Furthermore, the Prosecution notes that Appeals Chamber has already entertained submissions and observations on those issues from the parties and legal representatives. See Prosecution's Document on Support of Appeal, ICC-01/05-01/08-485OA2, paras. 26, 29, 30 (on the first issues that the Applicant seeks to provide submissions), and paras. 32-46 (on the second issue); Defence Response to the Prosecution's Appeal (ICC-01/05-01/08-503AnxB OA2, paras. 14,16-18, 27-30, 33-35, 38, 40, 47, 51-52, 54, 58, 61-62, 64, 67, 79-89, 93); Observations of the Legal Representatives (ICC-01/05-01/08-507-Corr-Anx., paras. 15, 17, 19-21), and Responses from the Prosecution and the Defence (ICC-01/05-01/08-519 OA2 and ICC-01/05-01/08-521-tENG OA2, respectively). The Applicant should at a minimum explain how its brief would provide further and distinctive arguments that may effectively assist the Chamber in the determination of those issues.

⁵³ Application, paras. 37-42 and 61-62.

⁵⁴ Application, paras. 45, 57, 58. For instance, the Applicant argues that the Prosecutor is pursuing a discriminatory policy and the Accused Bemba is a victim of this (58 and Note Supplémentaire, para. 3). It is

arguments which bear no connection to the issues on appeal.⁵⁵ The Note Supplémentaire follows a similar pattern⁵⁶ and appears to confirm that the Applicant seeks to file observations pertaining to vague and unrelated matters.⁵⁷ It is noteworthy that most of the arguments presented in the Application are a repetition of comments already posted by Mr. Stanis Kalombo in several websites.

VI. Conclusion

24. The Applicant circumvents the procedure in Rule 103 by providing submissions without leave from the Chamber. The observations that the Applicant seeks to provide are either unrelated to the current proceedings or incapable of assisting the Chamber. Moreover, the Applicant fails to demonstrate any proper interest or representative character. It does not show any knowledge of the facts or legal expertise in relation to the issues before this Chamber. In conclusion, the Application fails to demonstrate that the Applicant's submissions are appropriate and desirable to assist the Chamber in the resolution of the issues before it.⁵⁸

VII. Relief Requested

25. For the reasons set out above, the Prosecution respectfully requests that the Appeals Chamber dismiss the Application.

noteworthy that the Single Judge in this case dismissed a prior request of the Applicant to participate as amicus on the basis that this argument (ie. the issue of "selection of cases by the Prosecutor and that of his prosecutorial policy, was not dealt with by the Chamber"; see ICC-01/05-01/08-453, para.10).

⁵⁵ Application, paras. 45-58; 66-71. For example, the Applicant alleges that the non-governmental organization "Fidh" or "Fédération Internationale des Ligues des droits de l'homme" is exerting pressure on judges and hosting states through a press release published on 3 September 2009 (paras. 52-53). It argues a potential influence from a foreign government on the current proceedings (54-57) and further denounces a "double policy" by certain European States who refuse to host the Accused while "getting ready to welcome their compatriots preventively detained in Guantanamo" for terrorists attacks in US soil (66). It also misinterprets the principle of complementarity stating that European citizens could never be prosecuted before the Court (69).

⁵⁶ Note Supplémentaire, para.3, where the Applicant restates that the prosecution of the Accused Bemba is partial and discriminatory because of his Congolese origins.

⁵⁷ Note Supplémentaire, para.4.

⁵⁸ For instance: <http://www.jeanpierrebemba.org/ondit.php?contenu=benjamin;>
http://www.culturek.net/www/index_section.php?MM_section=documents&recordID=2831;
[http://www.congoone.net/Allstory.php?Id=1252.](http://www.congoone.net/Allstory.php?Id=1252)



Luis Moreno-Ocampo,
Prosecutor

Dated this 6th day of October 2009
At The Hague, The Netherlands