



Original: French

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

Date: 16 June 2010

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge Joyce Aluoch

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
THE PROSECUTOR
*v. Jean-Pierre Bemba Gombo***

**Public Document
With two Public Annexes**

**Second Defence Submission to Inform Trial Chamber III of the Status of the
Proceedings in the Central African Republic**

Source: Defence Team for Mr Jean-Pierre Bemba Gombo

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

The Office of the Prosecutor

Fatou Bensouda
Petra Kneuer

Counsel for the Defence

Nkwebe Liriss
Aimé Kilolo Musamba

Legal Representatives of the Victims

Marie-Edith Douzima Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(participation/reparation)**

**The Office of Public Counsel for
Victims**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

Xavier-Jean Keïta

States' Representatives

Central African Republic

Amicus Curiae

REGISTRY

Registrar and Deputy Registrar

Silvana Arbia and Didier Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 17 May 2010, counsel for Mr Jean-Pierre Bemba (“the Accused”) in the Central African Republic filed their brief in support of their application for reversal [*pourvoi en cassation*]¹ of the decision of the Indictments Chamber of the Bangui Appeals Court of 16 December 2004.
2. On 11 June 2010, the Defence lodged its submission informing Trial Chamber III that said brief had been filed.²
3. A copy of the brief, signed in particular by Mr Symphorien BALEMBY, President [*Bâtonnier*] of the Bar Association of the Central African Republic, was appended to that submission.³
4. On 22 May 2010, the Defence had received a telephone call followed by an e-mail from Mr BALEMBY, explaining that Mr Modeste BRIA, Principal Public Prosecutor [*Procureur Général*] of the Bangui Appeals Court, had ordered members of the Central African Anti-Banditry Agency [*Office Centrafricain de la Répression du Banditisme*] to force entry into his office, which also houses the office of the Bar Association.
5. The same e-mail stated that it was his involvement in the case of the Accused that lay behind this threat.⁴

¹ ICC-01/05-01/08-795 + Conf-AnxA.

² *Idem.*

³ *Ibid.*

⁴ Annex A.

6. Furthermore, he explained on the telephone that his office had been ransacked, and that the documents in the Accused's case file had been removed, with no regard for the professional secrecy by which they were covered under the public interest provisions of Central African law.
7. However, another lawyer in Bangui contends, rather, that these events were connected with the fire in a building belonging to a Lebanese national with close links to the authorities in Bangui.
8. The lawyers of the Central African Republic, meeting together on 11 June 2010 at the Bangui *Palais de Justice*, subsequently voiced strong protests, which were placed on record in the Declaration by the Bar Council of the Central African Republic on Threats to the Freedom and Security of Lawyers [*Déclaration du Conseil de l'Ordre des Avocats au Barreau de Centrafrique relative aux menaces sur la liberté et la sécurité des Avocats*].⁵
9. This declaration cites President BOZIZÉ's personal involvement in the perpetration of the illegal acts to which Mr BALEMBY was subjected.
10. The staff of his office and of the Bar Council, as well as his wife, are reported to have been detained and taken to the Research and Investigations Office [*Section Recherches et Investigations (SRI)*] of the *Gendarmerie*, in breach of their fundamental rights.⁶
11. Furthermore, within the last two days, the Defence for the Accused has received a telephone call from Mr Panda, a lawyer in Bangui, indicating that

⁵ Annex B.

⁶ See Annexes A and B.

Mr BALEMBY was in hiding, and is currently being sought by the Central African security services, and that his wife had been arrested in order to pressurise him into giving himself up.

12. On 15 June 2010, another e-mail from Mr Francis KAPANZA KPIGNET, a member of Mr BALEMBY's family, informed the Defence that Mr BALEMBY's wife and the other persons detained had been transferred to the prison for political prisoners at Bossembele, several kilometres from Bangui, where they were being subjected to ill-treatment and other forms of torture.⁷

13. Having regard to Mr S. BALEMBY's involvement in the case of the Accused in Bangui, it was the duty of the Defence to inform the honourable Trial Chamber III of these matters.

[signed]

Aimé Kilolo Musamba

Associate Counsel

[signed]

Nkwebe Liriss

Lead Counsel

Dated this 16 June 2010

At The Hague, The Netherlands

⁷ Idem.