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

Date: **28 July 2016**

TRIAL CHAMBER III

Before: Judge Joyce Aluoch, Presiding Judge
Judge Geoffrey Henderson
Judge Chang-ho Chung

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

Public Redacted Document

Public redacted version of « Prosecution's Response to Defence 'Requête en Main Levée de Saisie' of 28 October 2008 », 7 November 2008, ICC-01/05-01/08-220-Conf

Source: The Office of the Prosecutor

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

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I. Procedural History

1. On 9 May 2008, the Office of the Prosecutor (hereinafter referred to as the “Prosecution”) filed the “Prosecutor’s Application for Warrant of Arrest under Article 58” together with a request to freeze or seize the “property and assets” of Mr Jean-Pierre Bemba (hereinafter referred to as “Mr Bemba”).¹

2. On 27 May 2008, Pre-Trial Chamber III (hereinafter referred to as the “PTC III”) issued a request for cooperation to the [REDACTED].² The request was thereafter executed by the competent authorities in [REDACTED].

3. On 9 July 2008, Mr Bemba submitted an application for legal assistance to the Registrar³ which was provisionally rejected by the Registrar on 25 August 2008 in its “Décision du Greffier sur la demande d’aide judiciaire aux frais de la Cour déposée par M. Jean-Pierre Bemba Gombo” (hereinafter referred to as the “Registrar’s Provisional Decision”) because it was concluded that he was not indigent.⁴

4. [REDACTED].⁵

5. [REDACTED].⁶

6. On 10 October 2008, the PTC III issued its ‘[REDACTED]’⁷ (hereinafter referred to as the “Partial Lifting Decision”) whilst acknowledging that the financial investigation conducted on the assets of Mr Bemba remains ongoing.⁸ The PTC III partially granted the Defence request to lift the seizure order and temporarily authorized the competent authorities of the [REDACTED] until a decision on the confirmation of charges has been issued.⁹

¹ ICC-01/05-01/08-128-Conf-AnxA, paragraph 131.

² [REDACTED].

³ ICC-01/05-01/08-62-Conf-Exp, paragraph 10.

⁴ ICC-01/05-01/08-76, page 7.

⁵ [REDACTED].

⁶ [REDACTED].

⁷ ICC-01/05-01/08-149-Conf.

⁸ ICC-01/05-01/08-149-Conf, paragraph 7.

⁹ ICC-01/05-01/08-149-Conf, paragraph 17.

7. [REDACTED].¹⁰ [REDACTED].¹¹ [REDACTED].¹²

8. [REDACTED]¹³. [REDACTED].¹⁴ [REDACTED].¹⁵

II. Request for Confidentiality

9. The Prosecution requests that this document be received as “Confidential” as the Second Application to which it is responding has been filed as confidential.

III. Response

10. [REDACTED].

11. At the outset, the Prosecution notes that [REDACTED]. [REDACTED].

12. It is submitted that an evidentiary foundation is necessary for a complete response to the Second Application.

13. As noted previously, the Prosecution supports the provision of limited remittances for reasonable and essential expenses on a scheduled basis, based on a billing system if the evidentiary foundation is met.

14. The Prosecution also notes that the said assets could potentially be used to satisfy any future reparation order made by victims of harm which may have been caused to them pursuant to Article 75 of the Rome Statute and this is a priority requirement under the Statute. In that regard, the Prosecution notes that there is no indication in the Second Application that either the Victim Participation and Reparation Section (hereinafter referred to as “VPRS”) or the Office of the Public Counsel for Victims (hereinafter referred to as “OPCV”) have been notified of this Application despite the earlier involvement in the original application to the

¹⁰ ICC-01/05-01/08-149-Conf, paragraph 17 through the footnote citation to paragraph 8(i) and (ii) of that decision.

¹¹ ICC-01/05-01/08-149-Conf, paragraph 8.

¹² ICC-01/05-01/08-149-Conf, paragraph 18.

¹³ [REDACTED].

¹⁴ [REDACTED].

¹⁵ [REDACTED].

Registry of one of those offices and the existence of twenty-four victim participation applications currently under review by the parties.¹⁶ It is submitted, therefore, that they should be notified and asked for observations.

IV. Relief Sought

15. Further to its earlier submissions, the Prosecution respectfully requests that the Second Application be dismissed due to the lack of evidentiary foundation.



Fatou Bensouda, Prosecutor

Dated this 28th Day of July 2016

At The Hague, The Netherlands

¹⁶ ICC-01/05-01/88-188-Conf and accompanying Annexes.