

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 June 2008

PRE-TRIAL CHAMBER III

Before: Judge Fatoumata Dembele Diarra, Presiding Judge
Judge Hans-Peter Kaul
Judge Ekaterina Trendafilova

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

Confidential

Ex parte only available to the Prosecutor and the Victims and Witnesses Unit

Decision convening a status conference

Decision 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

Legal Representatives of the Victims

Legal Representatives of the 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
Simo Vaatainen

Detention Section

**Victims Participation and Reparations
Section**

Other

1. **Pre-Trial Chamber III** (the “Chamber”) of the International Criminal Court issued a warrant of arrest on 23 May 2008¹ against Mr Jean-Pierre Bemba Gombo (“Mr Jean-Pierre Bemba”) and, on the same day, requested his provisional arrest under article 92 of the Rome Statute (the “Statute”)² by the Kingdom of Belgium. This request was executed on 24 May 2008.

2. On 10 June 2008, the Chamber issued a new warrant of arrest under article 58 of the Statute which replaces the warrant of arrest dated 23 May 2008.³ At the same time, it requested the Kingdom of Belgium to arrest and surrender Mr Jean-Pierre Bemba.⁴ The process of surrender is currently pending in that State.

3. The Chamber notes articles 43(6), 57(3)(c), 60, 61, 67 and 68 of the Statute, rules 17, 18, 76 to 82, 87, 88 and 121 of the Rules of Procedure and Evidence (the “Rules”) as well as regulations 23*bis*, 28 and 30 of the Regulations of the Court (the “Regulations”).

4. The Chamber recalls its obligation to ensure fair and expeditious conduct of proceedings in full respect of the rights of the person prosecuted, in particular his right to be tried without undue delay in accordance with article 67 of the Statute.

5. In accordance with article 68(1) of the Statute, the Chamber has the obligation to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.

¹ ICC-01/05-01/08-1.

² ICC-01/05/01/08-3-US.

³ ICC-01/05-01/08-15.

⁴ ICC-01/05-01/08-16.

6. The Chamber further recalls that in accordance with article 61(3) of the Statute and rule 121(2) of the Rules, it shall take the necessary decisions regarding disclosure of information for the purpose of the hearing on the confirmation of charges. In addition, in accordance with rule 121(1) of the Rules, the Chamber shall set a date at the first appearance of Mr Jean-Pierre Bemba on which it intends to hold a hearing to confirm the charges.

7. In accordance with regulation 23bis (3) of the Regulations, the Chamber may re-classify a document either upon request by any participant or on its own motion.

8. With a view to prepare the hearing on the confirmation of charges and to take any appropriate decision, there is a need for the Chamber to receive any relevant information in advance pending the surrender of Mr Jean-Pierre Bemba.

FOR THESE RASONS, THE CHAMBER DECIDES

a) to convene a status conference *ex parte* and *in camera* with the Prosecutor and the Victims and Witness Unit (the "VWU") on **Thursday, 19 June 2008 at 14.00 hrs** in the Pre-Trial Courtroom on the following issues:

A. Witness related issues

The Chamber seeks observations both from the Prosecutor and the VWU, as appropriate, on the following questions:

1. What is the security situation in the Central African Republic?
2. Has the Prosecutor taken any protective measures on his own initiative to secure the safety of the witnesses concerned?
3. Will the Prosecutor rely on the statements of the fourteen witnesses already provided to the Chamber; and on how many further witnesses does the Prosecutor intend to rely during the confirmation of charges?
4. Has the Prosecutor already approached the VWU to arrange for the protection of witnesses, in particular with regard to the fourteen witnesses whose statements the Chamber has received?

5. Has the VWU already adopted and implemented protective measures for the witnesses on whose statements the Prosecutor intends to rely during the confirmation of charges? How long would it take for the VWU to assess the need for protection of those witnesses on which the Prosecutor intends to rely during the confirmation of charges and to implement the protective measures needed?
6. Will there be a need to relocate some or all of the witnesses? How long would it take the VWU to relocate witnesses, if need be? Are there specific problems in the context of the Central African Republic for such a relocation?

B. Disclosure of the evidence on which the Prosecutor intends to rely and possible related restrictions (redactions)

The Chamber seeks observations from the Prosecutor on the following questions:

1. On how many documents and statements does the Prosecutor intend to rely during the confirmation of charges?
2. Has the Prosecutor already started preparing necessary redactions to be submitted to the Chamber for approval, in particular with respect to the Prosecutor's application⁵ and all its annexes as well as the Prosecutor's further submission⁶ and all its annexes?
3. Will the Prosecutor be in a position to provide Mr Jean-Pierre Bemba at his first appearance before the Court with the Prosecutor's application and his further submission in redacted form?

C. Documents or information the Prosecutor obtained on the condition of confidentiality in accordance with article 54(3)(e) of the Statute and on which he intends to rely during the confirmation of charges

The Chamber seeks observations from the Prosecutor on the following questions:

1. How many documents did the Prosecutor obtain under article 54(3)(e) of the Statute?
2. Have measures been taken to obtain consent of the information provider regarding possible disclosure of such documents and information?

⁵ ICC-01/05-13-US-Exp.

⁶ ICC-01/05-16-US-Exp.

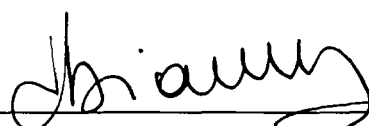
D. Unsealing of documents

The Chamber seeks observations from the Prosecutor concerning the unsealing of the following documents:

- 1) ICC-01/05-10-US-Exp.
ICC-01/05-15-US-Exp.
ICC-01/05-01/08-4-US.
- 2) ICC-01/05-13-US-Exp, Annex 6, Annex 9, Annex 14.
ICC-01/05-16-US-Exp, Annex 4, Annex 6-A, Annex 6-B, Annex 7,
Annex 8, Annex 9, Annex 10, Annex 11, Annex 18-A, Annex 18-B.

b) to request the Prosecutor to provide a report to the Chamber within a period of 15 days on the number of documents received under condition of confidentiality under article 54(3)(e) of the Statute and on their status with regard to the possibility of waiving such condition.

Done in both English and French, the English version being authoritative.


Judge Fatoumata Dembele Diarra
Presiding Judge


Judge Hans-Peter Kaul


Judge Ekaterina Trendafilova

Dated this 17 June 2008

At The Hague, the Netherlands