



Original: **French**

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

Date: **23 May 2008**

PRE-TRIAL CHAMBER III

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
*THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO***

Under Seal

**Request for the Provisional Arrest of Mr Jean-Pierre Bemba Gombo Addressed to
the Kingdom of Belgium**

Decision/Order/Judgment to be notified in accordance with regulation 31 of the Regulations of the Court to:

Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Pre-Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”) is seized of the Prosecutor’s application filed on 9 May 2008, “Application for Warrant of Arrest Under article 58” with annexes, - Prosecutor’s Application with annexes (“Prosecutor’s Application”) – for the issuance of a warrant of arrest for Mr Jean-Pierre Bemba Gombo (“Mr Jean-Pierre Bemba”).¹
2. On 23 May 2008, the Prosecutor filed an “Application for Request for Provisional Arrest under Article 92”, in which he sought a hearing for the purpose of submitting to the Chamber, new information for the record in the situation in the Central African Republic; the hearing was held that same day.²
3. The Prosecutor stressed the urgent need for the Chamber to consider his application in view of Mr Jean-Pierre Bemba’s flight risk. At the hearing, the Prosecutor submitted that Mr Jean-Pierre Bemba had allegedly left the Republic of Portugal en route to the Kingdom of Belgium, to a residence outside Brussels which he apparently plans to leave on 25 May 2008 for an unknown destination.
4. On 23 May 2008, acting pursuant to article 58 of the Rome Statute (“Statute”), the Chamber issued a warrant of arrest for Mr Jean-Pierre Bemba,³ presumed to be a national of the Democratic Republic of the Congo, born on 4 November 1962 in Bokada, Équateur Province, Democratic Republic of the Congo, and believed to be of Ngwaka ethnicity, son of Jeannot Bemba Saolana and married to Lilia Teixeira, daughter of Antonio Teixeira.
5. The Chamber refers to articles 58(5), 59, 87 and 92 of the Statute and notes that in urgent cases, it may request the provisional arrest of the person sought, in this instance, Mr Jean-Pierre Bemba, on the basis of the warrant for his arrest, pending presentation of the request for surrender and the documents supporting the request as specified in article 91.

¹ ICC-01/05-13-US-Exp.

² ICC-01/05-15-US-Exp.

³ ICC-01/05-01/08-I-US-Exp. - US-Anx.

6. The Chamber also refers to articles 19, 20, 55, 67 and 89 as well as rules 21, 117, 176, 187 and 188 of the Rules of Procedure and Evidence.

FOR THESE REASONS, THE CHAMBER

(a) **requests**, on the basis of the appended warrant of arrest, the Kingdom of Belgium – the requested State – to provisionally arrest Mr Jean-Pierre Bemba and guarantee his safety until his final surrender to the Registrar of the Court;

(b) **requests**, the requested State to keep confidential, in accordance with article 87(3), this request for cooperation and any documents supporting the request, except where its disclosure is necessary for the execution of the request;

(c) **requests**, the requested State to handle, in accordance with article 87(4), any information which is transmitted to it in furtherance of this request be provided in a manner that protects the safety and physical or psychological well-being of any victims, potential witnesses and their families;

(d) **requests** the requested State to inform the Chamber of any application made by Mr Jean-Pierre Bemba Gombo to a national court under articles 59(3) or 89(2) of the Statute;

(e) **requests**, the requested State to inform the Chamber, in accordance with article 97 of the Statute, of any problem which may impede or prevent the execution of this request;

(f) **authorizes** the requested State to communicate this request to any person designated by its authorities, where necessary, for its execution;

(g) **orders** the Registrar of the Court to append the warrant of arrest for Mr Jean-Pierre Bemba Gombo issued on 23 May 2008 to this request to the Kingdom of Belgium;

(h) **orders** the Registrar of the Court to ensure that Mr Jean-Pierre Bemba Gombo receives a copy of the warrant of arrest issued by the Chamber on 23 May 2008 and

copies of the relevant provisions of the Statute and the Rules of Procedure and Evidence in a language which he fully understands and speaks;

(i) **orders** the Registrar of the Court to ensure that Mr Jean-Pierre Bemba Gombo is advised of the rights afforded to him by articles 19, 20, 55, 59, 60, 67 and 89 of the Statute and rules 21 and 117 of the Rules of Procedure and Evidence, in a language he fully understands and speaks;

(j) **orders** the Registrar of the Court to report to the Chamber any difficulty encountered in executing this request, so that it can take the necessary measures, should the need arise.

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

[signed]

Judge Fatoumata Dembele Diarra
Presiding Judge

[signed]

Judge Hans-Peter Kaul

[signed]

Judge Ekaterina Trendafilova

Dated this 23 May 2008

At The Hague, Netherlands