



Original: **French**

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

Date: **24 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***

Public Document

Decision to Unseal the Warrant of Arrest for Mr Jean-Pierre Bemba Gombo

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Petra Kneuer, 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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. On 24 May 2008, the Prosecutor submitted an application entitled “Prosecutor's Application for Unsealing the Arrest Warrant against Jean-Pierre BEMBA” (“Application for Unsealing”) to Pre-Trial Chamber III (“the Chamber”) of the International Criminal Court (“the Court”).¹

2. The Chamber recalls that it was seized of an application filed by the Prosecutor on 9 May 2008 entitled “Application for Warrant of Arrest under Article 58” with annexes, for the issuance of a warrant of arrest for Mr Jean-Pierre Bemba Gombo (“Mr Jean-Pierre Bemba”).² In the application, the Prosecutor requested that the warrant and the subsequent proceedings be maintained under seal on the ground that “public awareness of this application, related proceedings and/or the Pre-Trial Chamber’s determination prior to the arrangements securing BEMBA’s arrest, could cause BEMBA to flee and to obstruct or endanger the investigation or the proceedings of the Court”. The Chamber allowed this application in a decision issued on 21 May 2008.³

2. On 23 May 2008, the Prosecutor filed an “Application for Request for Provisional Arrest Under Article 92”, requesting that the Chamber issue a request for provisional arrest in view of the imminent risk of Mr Jean-Pierre Bemba fleeing to an unknown destination.⁴

3. In light of the most recent information to come into his possession, the Prosecutor maintained that Mr Jean-Pierre Bemba had allegedly left the Portuguese Republic to travel to the Kingdom of Belgium, to a residence outside Brussels which he allegedly intends to leave on 25 May 2008.

¹ ICC-01/05-01/08-4-US-Exp.

² ICC-01/05-13-US-Exp.

³ ICC-01/05-14-US-Exp.

⁴ ICC-01/05-15-US-Exp.

4. On 23 May 2008, the Chamber issued a warrant of arrest for Mr Jean-Pierre Bemba⁵ under seal pursuant to article 58 of the Rome Statute. That same day, the Chamber issued a request to the Kingdom of Belgium for the provisional arrest of Mr Jean-Pierre Bemba.⁶

5. In his Application for Unsealing, the Prosecutor informs the Chamber that on 24 May 2008, the Registry notified the request for provisional arrest to the Kingdom of Belgium and that the necessary arrangements for the arrest of Mr Jean-Pierre Bemba had been made allowing for the imminent execution of the request. Accordingly, the Prosecutor requests the Chamber to unseal the warrant of arrest immediately upon its execution.

6. The Chamber notes regulation 23 *bis* (3) of the *Regulations of the Court* under which it may reclassify a document, particularly at the request of a participant in the proceedings, where the basis for its previous classification no longer exists.

7. The Chamber considers that it is no longer necessary for the warrant of arrest issued for Mr Jean-Pierre Bemba to remain under seal after his arrest.

FOR THESE REASONS, THE CHAMBER DECIDES

to unseal the warrant of arrest issued by the Chamber for Jean-Pierre Bemba Gombo on 23 May 2008 and to make it public after his arrest.

⁵ ICC-01/05-01/08-1-US + US-Annex.

⁶ ICC-01/05-01/08-3-US.

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 24 May 2008

At The Hague, The Netherlands