

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 24 November 2008

PRE-TRIAL CHAMBER III

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans Peter- Kaul
Judge Mauro Politi

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

**Public Document
With Confidential Annexes
URGENT**

**Second report of the Registrar concerning the Observations Received on the
Defence's Application for Interim Release of Mr. Jean-Pierre Bemba Gombo**

Source: Registrar

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

The Office of the Prosecutor

Ms. Fatou Bensouda, Deputy Prosecutor
Ms. Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr. Nkwebe Liriss, Counsel
Mr. Tjarda Eduard Van der Spoel
Mr. Aimé Kilolo Musamba

Legal Representatives of Victims

Legal Representatives of 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

THE REGISTRAR of the International Criminal Court (“the Court”);

NOTING the “*Mandat d’arrêt à l’encontre de Jean-Pierre Bemba Gombo remplaçant le mandat d’arrêt décerné le 23 mai 2008*”¹ (“the Warrant of arrest of 10 June”) issued by Pre-Trial Chamber III (“the Chamber”) on 10 June 2008 ;

NOTING the “*Application for interim release*”² submitted by the Defence on 23 July 2008;

NOTING the “*Decision Requesting Observations on the Defence’s Application for Interim Release*”³ (“Decision of 4 August”) issued by the Chamber on 4 August 2008;

NOTING “the Report of the Registrar concerning the Observations Received on the Defence’s Application for Interim Release of Mr. Jean-Pierre Bemba Gombo”⁴ dated 18 August;

NOTING the « *Decision on the application for interim release* »⁵ dated 20 August 2008;

NOTING the “*Requête de Mise en liberté Provisoire*”⁶ dated 3 November 2008 ;

NOTING the “*Decision requesting Observations on the Defence’s Application For Interim release*”⁷ dated 12 November 2008;

¹ ICC-01/05-01/08-15

² ICC-01/05-01/08-49

³ ICC-01/05-01/08-61

⁴ ICC-01/05-01/08-61

⁵ ICC-01/05-01/08-80

⁶ ICC-01/05-01/08-200 and Anx1 to 3.

⁷ ICC-01/05-01/08-238

NOTING articles 60(2) and 87 of the *Rome Statute* ("the Statute"); rules 118, 119 and 176(2) of the *Rules of Procedure and Evidence* ("the Rules"); regulations 23bis, 24bis and 51 of the *Regulations of the Court* ("the Regulations");

CONSIDERING that the Chamber requested the relevant authorities of the Kingdom of Belgium, the Republic of Portugal and the Kingdom of the Netherlands to submit observations by no later than 24 November 2008 on:

- “(i) the application for interim release and
- (ii) the conditions, if any, that would have to be met in order for the State to accept Mr. Jean-Pierre Bemba’s release on its territory”⁸;

CONSIDERING that, on 12 November 2008, the Registry notified a note verbale requesting the cooperation of the Kingdom of Belgium as well as the Decision of 12 November, and the Application for interim release (Annex 1, attached hereto);

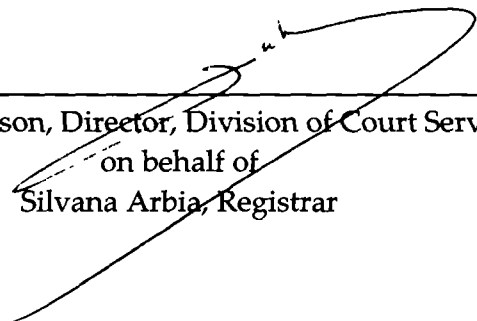
CONSIDERING that on 13 November 2008, the Registry notified a note verbale requesting the cooperation of the Kingdom of the Netherlands and the Republic of Portugal as well as the Decision of 12 November, and the Application for interim release (Annex 2, attached hereto);

CONSIDERING that, no reply has yet been received from the authorities of the Kingdom of the Netherlands and the Republic of Portugal;

TRANSMITS, respectfully and in accordance with rule 176(2) of the Rules, the observations of the Kingdom of Belgium (Annex 3, attached hereto);

⁸ ICC-01/05-01/08-238: page 5

SUBMITS the annexes to this report confidential, as they contain confidential information.



Marc Dubuisson, Director, Division of Court Services
on behalf of
Silvana Arbia, Registrar

Dated this 24 November 2008

At The Hague, the Netherlands