

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 17 December 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 a Confidential Annex**

**Final Observations received in relation to the "Second Report of the Registrar
concerning the Observations Received on the Defence's Application for Interim
Release of Mr. Jean-Pierre Bemba Gombo"**

Source: The 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
Mr. Karim A. A. Khan
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 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 15 August;

NOTING the "*Decision on the application for interim release*"⁵ issued by the Chamber on 20 August 2008;

NOTING the "*Decision concerning the public version of the "Decision on application for interim release" of 20 August 2008*"⁶ issued by the Chamber on 26 August 2008;

¹ ICC-01/05-01/08-15

² ICC-01/05-01/08-49

³ ICC-01/05-01/08-61

⁴ ICC-01/05-01/08-71

⁵ ICC-01/05-01/08-73-Conf

⁶ ICC-01/05-01/08-80

NOTING the "*Requête de Mise en liberté Provisoire*"⁷ submitted by the Defence on 3 November 2008;

NOTING the "*Decision requesting Observations on the Defence's Application for Interim release*"⁸ issued by the Chamber on 12 November 2008;

NOTING the "*Second report of the Registrar concerning the Observations Received on the Defence's Application for Interim Release of Mr. Jean-Pierre Bemba Gombo*"⁹ dated 24 November 2008;

NOTING the "*Additional Observations in relation to the "Second Report of the Registrar concerning the Observations received on the Defence's application for Interim Release of Mr. Jean Pierre Bemba Gombo*"¹⁰ of 25 November 2008;

NOTING the "*Decision on application for Interim Release*" of 16 December 2008¹¹;

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"); regulation 24(7) of the *Regulations of the Registry*;

⁷ ICC-01/05-01/08-200 and Annexes 1 to 3.

⁸ ICC-01/05-01/08-238

⁹ ICC-01/05-01/08-280

¹⁰ ICC-01/05-01/08-288

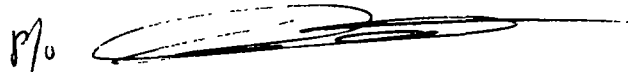
¹¹ ICC-01/05-01/08-321

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”¹²;

CONSIDERING that on 17 December 2008, the Registry received the observations of the Republic of Portugal;

TRANSMITS, respectfully and in accordance with rule 176(2) of the Rules, the observations of the Republic of Portugal (Annex 1, attached hereto);



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

Dated this 17 December 2008

At The Hague, the Netherlands

¹² ICC-01/05-01/08-238; page 5