

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/05-01/08  
Date: 16 January 2009

**PRE-TRIAL CHAMBER III**

**Before: Judge Ekaterina Trendafilova, Single Judge**

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

**Public Document  
With Confidential Annexes**

**Third 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**

Ms. Marie Edith Douzima-Lawson

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

Ms. Paolina Massida

**The Office of Public Counsel for the  
Defence**

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**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*” (“the Warrant of arrest of 10 June”) issued by Pre-Trial Chamber III (the “Chamber”) on 10 June 2008<sup>1</sup>;

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

**NOTING** the “*Decision Requesting Observations on the Defence’s Application for Interim Release*” issued by the Chamber on 4 August 2008<sup>3</sup>;

**NOTING** “*the Report of the Registrar concerning the Observations Received on the Defence’s Application for Interim Release of Mr. Jean-Pierre Bemba Gombo*” dated 18 August 2008<sup>4</sup>;

**NOTING** the “*Decision on the application for interim release*” dated 20 August 2008<sup>5</sup>;

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

**NOTING** the “*Decision requesting Observations on the Defence’s Application for Interim release*” dated 12 November 2008<sup>7</sup>;

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<sup>1</sup> ICC-01/05-01/08-15

<sup>2</sup> ICC-01/05-01/08-49

<sup>3</sup> ICC-01/05-01/08-61

<sup>4</sup> ICC-01/05-01/08-61

<sup>5</sup> ICC-01/05-01/08-80

<sup>6</sup> ICC-01/05-01/08-200 and Anx1 to 3.

<sup>7</sup> ICC-01/05-01/08-238

**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"* dated 24 November 2008<sup>8</sup>;

**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" of 25 November 2008"*<sup>9</sup>;

**NOTING** the *"Decision on application for Interim Release"* of 16 December 2008<sup>10</sup>;

**NOTING** the *"Final Observations received in relation to the "Second Report of the Registrar concerning the Observation Received on the Defence's Application for Interim Release of Mr. Jean-Pierre Bemba Gombo"*, submitted by the Registrar on 17 December 2008<sup>11</sup>;

**NOTING** *"Demande de mise en liberté provisoire"* submitted by the Defence on 23 December 2008<sup>12</sup>;

**NOTING** the *"Decision Requesting Observations on the Defence's Application for Interim Release"* (the *"Decision of 23 December 2008"*) issued on 23 December 2008<sup>13</sup>

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<sup>8</sup> ICC-01/05-01/08-280

<sup>9</sup> ICC-01/05-01/08-288

<sup>10</sup> ICC-01/05-01/08-321

<sup>11</sup> ICC-01/05-01/08-326

<sup>12</sup> ICC-01/05-01/08-333-Conf-Corr

<sup>13</sup> ICC-01/05-01/08-334

**NOTING** *“Prosecution’s Observations on the Defence’s Third Application for Interim Release”* dated 9 January 2009<sup>14</sup>;

**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 23*bis*, 24*bis* and 51 of the *Regulations of the Court* (“the Regulations”);

**CONSIDERING** that the Single Judge requested the relevant authorities of the Kingdom of Belgium, the Republic of Portugal and the Kingdom of the Netherlands to submit observations by Friday 16 January 2009 on “the conditions, if any, that would have to be met to enable the States to which Jean-Pierre Bemba Gombo seeks to be released to accept him”<sup>15</sup>;

**CONSIDERING** that, on 30 December 2008, the Registry notified the Decision of 23 December 2008 as well as a note verbale requesting the cooperation of the Kingdom of Belgium, the Kingdom of the Netherlands and the Republic of Portugal (Annex 1, attached hereto);

**CONSIDERING** that, in general, the Registry handles all responses from States as confidential;

**SUBMITS** the annexes to this report confidential;

**INFORMS** the Single Judge that no reply has up to date been received from the authorities of the Republic of Portugal;

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<sup>14</sup> ICC-01/05-01/08-354-Conf

<sup>15</sup> ICC-01/05-01/08-334

**TRANSMITS**, respectfully and in accordance with rule 176(2) of the Rules, the observations dated 15 January 2009 of the Kingdom of Belgium (Annex 2, hereto attached) and of the Kingdom of the Netherlands (Annex 3, hereto attached);



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

Dated this 16 January 2009

At The Hague in The Netherlands