

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 19 January 2009

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**

**Transmission of the Observations of the Republic of Portugal in relation to the
"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

Mr. Karim A. A. Khan

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

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 2008¹;

NOTING the “*Application for interim release*” submitted by the Defence on 23 July 2008²;

NOTING the “*Decision Requesting Observations on the Defence’s Application for Interim Release*” issued by the Chamber on 4 August 2008³;

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 15 August 2008⁴;

NOTING the “*Decision on the application for interim release*” issued by the Chamber on 20 August 2008⁵;

NOTING the “*Decision concerning the public version of the “Decision on application for interim release” of 20 August 2008*” issued by the Chamber on 26 August 2008⁶;

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*” submitted by the Defence on 3 November 2008⁷;

NOTING the “*Decision requesting Observations on the Defence’s Application for Interim release*” issued by the Chamber on 12 November 2008⁸;

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 2008⁹;

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 2008¹⁰;

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

NOTING the “*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”*”, submitted by the Registrar on 17 December 2008¹²;

NOTING “*Demande de mise en liberté provisoire*” submitted by the Defence on 23 December 2008¹³;

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

¹² ICC-01/05-01/08-326

¹³ ICC-01/05-01/08-333-Conf-Corr

NOTING the “*Decision Requesting Observations on the Defence’s Application for Interim Release*” issued on 23 December 2008¹⁴;

NOTING the “*Prosecution’s Observations on the Defence’s Third Application for Interim Release*” dated 9 January 2009¹⁵;

NOTING the “*Third Report of the Registrar concerning the Observations Received on the Defence’s Application for Interim Release of Mr. Jean-Pierre Bemba Gombo*” (“Third Report of the Registrar”) dated 16 January 2009¹⁶;

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*;

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”¹⁷;

CONSIDERING that the Registry submitted, during filing hours on 16 January 2009, the Third Report of the Registrar with the observations of the Kingdom of Belgium

¹⁴ ICC-01/05-01/08-334

¹⁵ ICC-01/05-01/08-354-Conf

¹⁶ ICC-01/05-01/08-370

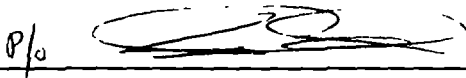
¹⁷ ICC-01/05-01/08-334

and the Kingdom of the Netherlands and that the Registry received the observations of the Republic of Portugal on 16 January 2009, after filing hours;

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

SUBMITS the annex to this report confidential;

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



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

Dated this 19 January 2009

At The Hague in The Netherlands.