

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 July 2009

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

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

**Public
With Confidential Annexes**

Transmission of the Observations of the Republic of Portugal, the Republic of France and the Kingdom of the Netherlands 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

Fatou Bensouda, Deputy Prosecutor
Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Nkwebe Liriss
Karim A.A. Khan
Aimé Kilolo-Musamba
Pierre Legros

Legal Representatives of Victims

Marie Edith Douzima-Lawson
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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

Silvana Arbia

Defence Support Section

Deputy Registrar

Didier Preira

Victims and Witnesses Unit

Detention Section

Anders Backman

**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 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;

NOTING the "*Requête de Mise en liberté Provisoire*" submitted by the Defence on 3 November 2008⁷;

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

⁷ ICC-01/05-01/08-200 and its annexes 1 to 3

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 "*Corrigendum Demande de Mise en Liberté Provisoire*" submitted by the Defence on 23 December 2008¹³;

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;

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

¹⁴ ICC-01/05-01/08-334

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*" dated 16 January 2009¹⁶;

NOTING the "*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'*" submitted by the Registrar on 19 January 2009¹⁷;

NOTING the "*Decision on the constitution of Pre-Trial Chambers and on the assignment of the Central African Republic situation*" issued by the Presidency on 19 March 2009¹⁸;

NOTING the "*Decision on Application for Interim Release*" issued by the Pre-Trial Chamber II (the "Chamber") on 14 April 2009¹⁹;

NOTING the "*Decision to Hold a Hearing pursuant to Rule 118(3) of the Rules of Procedure and Evidence*" issued by the Chamber on 16 June 2009²⁰;

NOTING the oral Order issued by the Chamber during the hearing on 29 June 2009²¹;

NOTING the "*Prosecution's Additional Observations on Interim Release pursuant to Rule 118(3) of the Rules of Procedure and Evidence*" submitted by the Office of the Prosecutor on 2 July 2009²²;

¹⁵ ICC-01/05-01/08-354-Conf

¹⁶ ICC-01/05-01/08-370

¹⁷ ICC-01/05-01/08-372

¹⁸ ICC-01/05-01/08-390

¹⁹ ICC-01/05-01/08-403

²⁰ ICC-01/05-01/08-425

²¹ ICC-01/05-01/08-T-13-ENG, pages 64 and 65

²² ICC-01/05-01/08-431

NOTING the *“Corrigendum Notes Supplétives aux Soumissions Orales de la Défense lors de l’Audience du 29 Juin 2009”* dated on 2 July 2009 and submitted by the Defence on 9 July 2009²³;

NOTING the *“Requête aux fins d’extension de la demande initiale en rapport avec les pays d’accueil dans le cadre de la demande de mise en liberté de Mr Jean-Pierre Bemba Gombo lors de l’audience du 29 Juin 2009”* dated 2 July 2009²⁴;

NOTING the *“Transmission of the request of the Kingdom of Belgium for extension of time limit to submit observations on the request for interim release of Mr. Jean-Pierre Bemba Gombo submitted during the hearing on 29 June 2009”* dated 6 July 2009²⁵;

NOTING the *“Decision on the Belgian Authorities’ Request for Extension of Time Limit”* issued by the Chamber on 8 July 2009²⁶;

NOTING article 60 (2)(3) and 87 of the Rome Statute; rules 118, 119 and 176 (2) of the Rules of Procedure and Evidence; regulation 23 *bis*, 24 *bis*, and 51 of the Regulations of the Court;

CONSIDERING that, during the hearing on 29 June 2009 held by the Pre-Trial Chamber II, the Chamber requested the Republic of Portugal, the Kingdom of Belgium, the Republic of France, and the Kingdom of the Netherlands, as a host state, to submit their observations on, first, Mr. Jean-Pierre Bemba's interim release; and second, the conditions, if any, that would need to be imposed pursuant to Rule 119 of the Rules of Procedure and Evidence to enable the states in which Mr. Bemba seeks to be released to accept him on their territory, no later than 10th of July at 16 hours (the “oral Order”)²⁷;

²³ ICC-01/05-01/08-432-Corr

²⁴ ICC-01/05-01/08-433

²⁵ ICC-01/05-01/08-438

²⁶ ICC-01/05-01/08-442

²⁷ ICC-01/05-01/08-T-13-ENG, pages 64 and 65

SUBMITS the present document *public* and its annexes classified *confidential* as they contain sensitive information;

REPORTS to the Chamber as follows:

1. On 3 July 2009, implementing the oral Order, the Registrar notified the relevant authorities of the Kingdom of Belgium, of the Republic of Portugal, of the Republic of France, and of the Kingdom of the Netherlands of the fact that the hearing was held concerning the Mr. Bemba's interim release and transmitted to these authorities the public transcript of the hearing as well as the "*Notes Supplétives aux Soumissions Orales de la Défense lors de l'Audience du 29 Juin 2009*" submitted by the Defence on 2 July 2009²⁸.
2. On 3 July 2009, the Belgian authorities communicated request for an extension of time limit to submit their observations on the request for interim release of Mr. Bemba²⁹. Accordingly, on 8 July 2009, the Chamber granted the Belgian authorities an extension of time limit until 24 July 2009³⁰.
3. On 10 July 2009, the Registrar received the observations from the Republic of Portugal³¹ at 16:00, from the Republic of France³² at 15:20, and from the Kingdom of the Netherlands³³ at 15:51 and hereby transmits the observations to the Chamber.

²⁸ ICC-01/05-01/08-438-Anx1, Notes verbales sent by the Registrar to the relevant authorities of the Kingdom of Belgium, of the Republic of Portugal, of the Republic of France, and of the Kingdom of the Netherlands

²⁹ ICC-01/05-01/08-438

³⁰ ICC-01/05-01/08-442

³¹ Annex 1 hereto attached,

³² Annex 2 hereto attached

³³ Annex 3 hereto attached

TRANSMITS respectfully to the Chamber,

- Annex 1: Observations of the Authorities of the Republic of Portugal received on 10 July 2009 at 16:00;
- Annex 2: Observations of the Authorities of the Republic of France received on 10 July 2009 at 15:20;
- Annex 3: Observations of the Authorities of the Kingdom of the Netherlands received on 10 July 2009 at 15:51.

RESPECTFULLY SUBMITTED,



Marc Dubuisson, Director, Division of Court Services

on behalf of

Silvana Arbia, Registrar

Dated this 13 July 2009

At The Hague in the Netherlands