

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 January 2011

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

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

**URGENT
Confidential**

With annexes confidential, Ex parte only available to the Registry

Report of the Registrar concerning the practical implications of the « *Requête aux fins d'obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée* » submitted on 4 January 2011

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
Aimé Kilolo Musamba

Legal Representatives of Victims
Marie-Edith Douzima Lawson
Zarambaud Assingambi

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

Counsel Support Section

Deputy Registrar
Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

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

NOTING the “*Requête aux fins d’obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée*”¹ (the Request), submitted by the defence on 4 January 2011;

NOTING the “*Prosecution’s Response to Defence’s Urgent «Requête aux fins d’obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée »*”² submitted by the Office of the Prosecutor on 5 January 2011;

NOTING that Trial Chamber III (the Chamber) ordered the Registry to submit a report³ concerning the practical implications of the Request;

NOTING article 87 of the Rome Statute; regulations 23 *bis* and 24 *bis* of the Regulations of the Court;

CONSIDERING that in view of the urgency of the matter the Registry proceeded to make contact with the relevant authorities of the Kingdom of the Netherlands (the Host State) and the Kingdom of Belgium (Belgium) in order to obtain their evaluation as to the feasibility of transferring Mr. Bemba to Belgium, should the Chamber favourably considers the Request.

¹ ICC-01/05-01/08-1092-Conf.

² ICC-01/05-01/08-1093-Conf.

³ Correspondence from the Legal Officer of the Chamber on 4 January 2011 at 17h53.

CONSIDERING that in the event of such transfer, the relevant domestic authorities from Belgium and the Host State as well as the Registry need to liaise and put in place very specific arrangements;

RESPECTFULLY SUBMITS the present document classified *confidential* as it pertains to a request labelled as confidential by a party in the proceedings;

REPORTS to the Chamber as follows:

1. Following telephone consultations with the authorities of Belgium on 4 and 5 January 2011, a summary of the *"Requête aux fins d'obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée"* was transmitted to the respective Belgian authorities on 5 January 2011 together with a note verbale requesting the assessment and recommendations with regard to the technical implementation of the Defence request, should Mr. Bemba be authorized to be transferred to Belgium to pay his respect to his deceased step-mother.
2. Following telephone consultations with the authorities of the Host State on 5 January 2011, a summary of the *"Requête aux fins d'obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée"* was transmitted to the respective Host State authorities on 5 January 2011 together with a note verbale requesting the assessment and recommendations with regard to the technical implementation of the Defence request, should Mr. Bemba be authorized to be transferred to Belgium to pay his respect to his deceased step-mother.
3. Thereafter, the Registry received a report from the Belgian authorities on 6 January 2011 which indicates their position on this matter. The Registry

respectfully draws the attention of the Chamber to the following parts of the report:

- The Belgian authorities agree to the transfer of Mr. Bemba into Belgian territory in accordance with the same conditions set for his previous transfer into Belgium on 8 July 2009;
- The Belgian authorities will allow for the transfer of Mr. Bemba into Belgian territory on the morning of Monday 10 January 2010 and grant his stay until the end of the requiem mass which is to take place at the at the Saint-Paul church in Waterloo on the same day, after which he is to be handed over to the Dutch authorities at the border;
- Upon arrival in Belgium, Mr. Bemba is allowed to visit the family house situated in Rhode-St-Genèse. If the body of his deceased step-mother is not there, he is allowed to visit the location where her mortal remains have been placed. Thereafter he can attend the requiem mass taking place in Waterloo;
- Mr. Bemba shall be escorted by the Belgian police during his entire stay on the territory of the Kingdom of Belgium and protection services will be present at the venues to be visited by Mr. Bemba;
- Mr. Bemba is requested to be accompanied by a representative of the Registry of the Court during his entire stay on the territory of the Kingdom of Belgium;

- Mr. Bemba shall have no contact with the public and shall not speak to the press;
 - Mr. Bemba shall not discuss his case except with his counsel;
 - Mr. Bemba shall have contact only with close relatives and persons assisting the religious service as well as persons in charge of his security;
 - This matter is to stay confidential, the press in particular should not be informed;
 - The entirety of the costs shall be represented to the Registry of the Court, to be incurred by the accused.
4. The Registry has held telephone consultations with the authorities of the Host State according to which it seems that the transfer of Mr. Bemba to and from the border with Belgium can be facilitated on Monday in accordance with operational transport procedures in place for detained persons. The registry is currently awaiting a written response from the Dutch authorities who have stated that they will endeavour to provide their written confirmation as soon as possible and in any event no later than today.
5. On the basis of the above information, and taking into consideration current procedures related to the transfer of detained persons to and from the ICC Detention Centre, the Registry is able to assist in such transfer accordingly and to

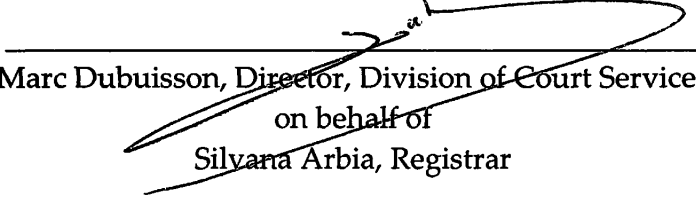
ensure that a Registry official will accompany Mr. Bemba during his entire stay on Belgian territory.

FURTHER SUBMITS that with regard to the costs, these will be incurred by the accused.

RESPECTFULLY TRANSMITS to the Chamber the following documentation:

- Annex 1: Note verbale communicated to the Belgian authorities on 5 January 2011 together with the summary of the Defence request and Memorandum of Service;
- Annex 2: Note verbale communicated to the Dutch authorities on 5 January 2011 together with the summary of the Defence request and Memorandum of Service;
- Annex 3: Confirmation of receipt by the Belgian authorities;
- Annex 4: Report from the Belgian authorities received by the Registry on 6 January 2011.

RESPECTFULLY SUBMITTED,



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

Dated this 6 January 2011

At The Hague in the Netherlands