



Original: English

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

Date: 13 July 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***

PUBLIC

Fourth report of the Registrar pursuant to the *“Decision on the Defence Application for Review of the Registrar’s Decision of 15 October 2010 on the Application for Adjustment of the Expenses and Fees of the Defence”* (ICC-01/05-01/08-1007-Red) dated 7 December 2010

Source: Registry

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
Mr Nkwebe Liriss
Mr Aimé Kilolo-Musamba

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

Registrar
Ms Silvana Arbia

Counsel Support Section
Mr Esteban Peralta Losilla

Deputy Registrar
Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other
Mr Marc Dubuisson
Mr Giovanni Bassu

The Registrar of the International Criminal Court (the “Court”);

NOTING the *“Decision on the Defence Application for Review of the Registrar’s Decision of 15 October 2010 on the Application for Adjustment of the Expenses and Fees of the Defence”* (the “Decision”), issued by Trial Chamber III (the “Chamber”) on 12 November 2010;¹

NOTING the *“Transmission of three letters from Mr. Jean-Pierre Bemba Gombo communicated to the Registry in compliance with the ‘Decision on the Defence Application for Review of the Registrar’s Decision of 15 October 2010 on the Application for Adjustment of the Expenses and Fees of the Defence’, dated 12 November 2010”, dated 15 December 2010;*²

NOTING the 3 reports³, submitted by the Registry respectively on 13 January, 14 March and 13 May 2011, on the steps taken by the Registry to recover funds advanced to the defence for Mr Bemba as well as on the financial investigations conducted by the Registry;

NOTING the *“Report of the Registrar on the cooperation of the Defence to free up funds to finance the Defence team and reimburse the amounts advanced by the Registry”*⁴ (the “Report on the Defence Cooperation”) submitted on 8 June 2011;

NOTING the *“Note explicative de la Défense relative au rapport du Greffe soumis à la Chambre en date du 8 Juin 2011”*⁵ submitted by the Defence on 23 June 2011;

¹ ICC-01/05-01/08-1007-Red.

² ICC-01/05-01/08-1087-Conf.

³ ICC-01/05-01/08-1112-US-Exp, ICC-01/05-01/08-1326-US-Exp and ICC-01/05-01/08-1408-US-Exp.

⁴ ICC-01/05-01/08-1497-Conf-Exp.

⁵ ICC-01/05-01/08-1563-Conf-Exp.

CONSIDERING that the Chamber ordered the Defence to report to the Registry on a monthly basis as to the steps taken to free up all or part of the funds needed to finance the defence team and reimburse the amounts previously advanced by the Registry, commencing on 13 December 2010;⁶

CONSIDERING that, in compliance with the Chamber's Decision⁷, the Registry has made all the efforts to recover funds advanced to the defence for Mr. Bemba either by conducting its own financial investigation or by requesting cooperation of the States concerned, and the steps taken to this end have been reported to the Chamber in its above mentioned 3 reports;

CONSIDERING that, in compliance with the Chamber's Decision⁸, the Registry has continuously advanced fees to the Defence for Mr Bemba in the sum of 42,701 Euros a month, retrospectively from September 2010;

CONSIDERING that in the Report on the Defence Cooperation, the Registry informed the Chamber that the Defence failed to comply with the Decision to report to the Registry on a monthly basis as to the steps taken to free up funds; in addition, Mr. Bemba persistently failed to cooperate actively with the Registry and to provide sufficient and meaningful information in response to the Registry's various enquiries;

INFORMS the Chamber that, at this stage, the Registry has no further results of its investigation to be reported to the Chamber however will continue its financial investigation as ordered by the Chamber;

⁶ ICC-01/05-01/08-1007-Red, para. 39 (v).

⁷ *Ibid*, para. 39 (vii).

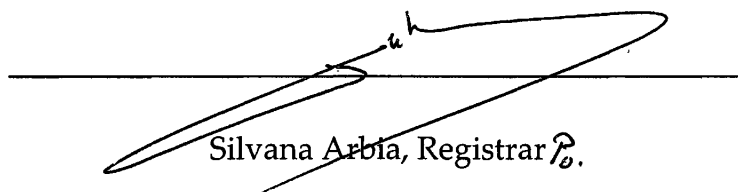
⁸ *Ibid*, para. 39 (i).

INFORMS the Chamber that the Defence for Mr Bemba has not successfully freed up any of the funds needed to finance the Defence team and reimburse the amounts previously advanced by the Registry;

INFORMS the Chamber that, in the context of the Financial Statement presented to the Committee on Budget and Finances and to the Assembly of States Parties, the Registrar has informed States Parties that, from an accounting point of view, the recovery of funds advanced to the Defence team for the payment of legal fees was now considered doubtful;

REITERATES all its observations and recommendations made in her Report on the Defence Cooperation;

RESPECTFULLY SUBMITTED,



Silvana Arbia, Registrar 

Dated this 13 July 2011

At The Hague, The Netherlands