

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-02/06

Date: 20 September 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

**Confidential
With 4 confidential annexes**

**Transmission to Pre-Trial Chamber II of the observations submitted by the
Kingdom of the Netherlands on the request for interim release presented by
Bosco Ntaganda**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms. Fatou Bensouda

Mr. James Stewart

Counsel for the Defence

Mr. Marc Desalliers

Legal Representatives of Victims

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

Mr. Herman von Hebel

Counsel Support Section

Deputy Registrar

Mr. 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 confidential and public redacted version of the "*Requête de la Défense aux fins de mise en liberté provisoire de M. Bosco Ntaganda*" (the "Application") dated 20 August 2013;¹

NOTING the "*Decision Requesting Observations on the Defence's Application for Interim Release*" (the "Decision of 26 August 2013") issued by the Single Judge on 26 August 2013;²

NOTING the "*Décision concernant la requête urgente présentée par la Défense de Monsieur Bosco Ntaganda le 3 Septembre 2013 (ICC-01/04-02/06-99-Conf-Exp)*" (the "Decision of 4 September 2013") issued by the Single Judge on 4 September 2013;³

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

CONSIDERING that the Single Judge in its Decision of 26 August 2013 ordered the Registrar to notify the relevant authorities of the Kingdom of the Netherlands of the Decision of 26 August 2013 and to transmit the redacted version of the Application to the said authorities;⁴

¹ ICC-01/04-02/06-87-Conf and ICC-01/04-02/06-87-Red.

² ICC-01/04-02/06-92.

³ ICC-01/04-02/06-100-Conf.

⁴ ICC-01/04-02/06-92, page 5.

CONSIDERING that in the same Decision of 26 August 2013 the Single Judge invited the relevant authorities of the Kingdom of the Netherlands to submit observations no later than Friday, 13 September 2013 on: (i) the public redacted version of the Application and (ii) the conditions, if any, that would have to be met to enable the Kingdom of the Netherlands to accept Mr. Ntaganda on its territory;⁵

CONSIDERING that the Single Judge in its Decision of 4 September 2013 ordered the Registrar to notify the relevant authorities of the Kingdom of the Netherlands of the Decision of 4 September 2013 and to transmit the confidential version of the Application to the said authorities;⁶

CONSIDERING that in the same Decision of 4 September 2013 the Single Judge invited the relevant authorities of the Kingdom of the Netherlands to submit observations no later than Friday, 20 September 2013 on: (i) the confidential version of the Application and (ii) the conditions, if any, that would have to be met to enable the Kingdom of the Netherlands to accept Mr. Ntaganda on its territory;⁷

CONSIDERING that the Chamber authorised the Registry to file both replies by the Netherlands in the same report;

CONSIDERING that the present report and its annexes are classified as confidential to be in line with the confidentiality level of the Single Judge's Decision of 4 September 2013 and in light of the fact that the competent authorities of the Kingdom of the Netherlands did not authorise the Registry to disclose their observations to the public;

⁵ *Ibid.*

⁶ ICC-01/04-02/06-100-Conf, page 5

⁷ *Ibid.*

REPORTS to the Chamber that the Registry communicated a note verbale⁸ notifying the Decision of 26 August 2013 and transmitting the redacted version of the Application on 27 August 2013 to the competent authorities of the Kingdom of the Netherlands, as well as another note verbale notifying the Decision of 4 September 2013 and transmitting the confidential version of the Application on 10 September 2013 to the said authorities;⁹

TRANSMITS to the Single Judge the following:

- The two notes verbales dated 27 August 2013 and 10 September 2013 sent by the Registry to the competent authorities of the Kingdom of the Netherlands (Annex 1 and 2); and
- the observations dated 13 September 2013 submitted by the competent authorities of the Kingdom of the Netherlands pursuant to the Decision of 26 August 2013¹⁰ (Annex 3); and
- the consolidated response dated 20 September 2013 submitted by the competent authorities of the Kingdom of the Netherlands in compliance with the Decision of 4 September 2013¹¹ (Annex 4);

⁸ Annex 1 attached hereto.

⁹ Annex 2 attached hereto. The notification and transmission were made to the competent authorities of the Kingdom of the Netherlands on 10 September 2013 in order to transmit the English translation of the confidential version of the Application (ICC-01/04-02/06-87-Conf-Exp-tENG) which was issued on 6 September 2013.

¹⁰ Annex 3 attached hereto. Letter transmitted by the competent authorities of the Kingdom of the Netherlands on 13 September 2013 pursuant to the Decision of 26 August 2013. In light of the fact that the Single Judge ordered the competent authorities of the Kingdom of the Netherlands to submit its observations on the confidential version no later than 20 September 2013, the Chamber agreed on 13 September 2013 that the Registry should transmit a consolidated reply from the competent authorities of the Kingdom of the Netherlands when it is received by the Registry.

¹¹ Annex 4 attached hereto.

RESPECTFULLY SUBMITTED



Didier Daniel Preira on behalf of
Herman von Hebel,
Registrar

Dated this 20 September 2013

At The Hague, The Netherlands