

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 14 January 2014

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

***THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE
BABALA WANDU and NARCISSE ARIDO***

Public Document

With nine confidential annexes

**Report of the Registry on the "Decisions requesting observations on the
'Demande de mise en liberté provisoire de Maître Aimé Kilolo Musamba'"**

Source: The Registry

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Florence Darques Lane

Counsel for the Defence

Counsel for Jean-Pierre Bemba Gombo

Nicholas Kaufman

Counsel for Aimé Kilolo Musamba

Jean-Pierre Kilenda Kakengi Basila

Counsel for Jean-Jacques Mangenda Kabongo

Jean Flamme

Counsel for Fidèle Babala Wandu

Prof Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Legal Representatives of the Applicants

States' Representatives

Competent authorities of the
Kingdom of the Netherlands

Competent authorities of the
Kingdom of Belgium

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRY of the International Criminal Court (the “Court”):

NOTING the “Warrant of arrest for Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido”¹ issued on 20 November 2013;

NOTING the “Demande de mise en liberté provisoire de Maître Aimé Kilolo Musamba”² dated 16 December 2013 (“Aimé Kilolo's Application”);

NOTING the “Decisions requesting observations on the 'Demande de mise en liberté provisoire de Maître Aimé Kilolo Musamba’”³ (“the Decisions”) issued by Pre-Trial Chamber II (“the Chamber”) on 17 December 2013;

NOTING the “Decision granting an extension of time for submitting observations on the 'Demande de mise en liberté provisoire de Maître Aimé Kilolo Musamba’”⁴ issued by the Chamber on 20 December 2013;

NOTING article 60(2) of the Rome Statute, rule 118 of the Rules of Procedure and Evidence and regulation 51 of the Regulations of the Court;

CONSIDERING that the Chamber requested the relevant authorities of the Kingdom of the Netherlands and the relevant authorities of the Kingdom of Belgium

¹ ICC-01/05-01/13-1-Red2-tENG

² ICC-01/05-01/13-42

³ ICC-01/05-01/13-46

⁴ ICC-01/05-01/13-60

to submit their views on Aimé Kilolo's Application for interim release to the Kingdom of Belgium no later than Friday 3 January 2014;⁵

CONSIDERING that upon request of the Kingdom of Belgium, the Chamber granted an extension of deadline until Monday 13 January 2014 for both the Kingdom of Belgium and the Kingdom of the Netherlands;⁶

INFORMS the Chamber as follows:

1. On 18 December 2013, a note verbale was sent transmitting the Decisions and Aimé Kilolo's Application to the Ministry of Justice of the Kingdom of Belgium.
2. On 18 December 2013, a note verbale was sent transmitting the Decisions and Aimé Kilolo's Application to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.
3. On 19 December 2013, the "Service Public Fédéral Justice" sent a reply requesting the Chamber to extend the deadline for submitting its observations to 12 January 2014 for reasons explained in the annex attached to the present filing.
4. In its reply, the "Service Public Fédéral Justice" also requested the Court to transmit the annexes to Aimé Kilolo's Application for its consideration.
5. On 20 December 2013, a note verbale was sent to the Ministry of Justice of the Kingdom of Belgium transmitting the requested annexes.
6. On 20 December 2013, a note verbale was sent to the Ministry of Foreign Affairs of the Kingdom of the Netherlands transmitting the same annexes.

⁵ ICC-01/05-01/13-46

⁶ ICC-01/05-01/13-60

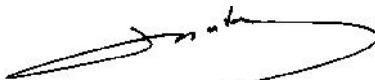
7. On 20 December 2013, a note verbale was sent to the Ministry of Justice of the Kingdom of Belgium transmitting the Chamber's Decision granting an extension of time for submitting observations.
8. On 20 December, a note verbale was sent to the Ministry of Foreign Affairs of the Kingdom of the Netherlands transmitting the Chamber's Decision of granting an extension of time for submitting observations.
9. On 30 December 2013, a reply was sent by the Ministry of Foreign Affairs transmitting the observations of the Kingdom of the Netherlands.
10. On 10 January 2014, a reply was sent by the "Service Public Fédéral Justice" transmitting the observations of the Kingdom of Belgium.
11. The present filing is classified public in line with the level of classification of the Decisions. Annexes 1, 2, 4, 5, 6 and 7 are classified confidential as they make reference to names and contact details of staff members of the Court. Annex 9 is classified confidential as the Kingdom of Belgium indicated that it should be classified as such. Annexes 6 and 8 are classified confidential as neither the Kingdom of Belgium nor the Kingdom of the Netherlands indicated whether their replies could be made public.

TRANSMITS in annex:

- The note verbale sent to the Ministry of Justice of the Kingdom of Belgium on 18 December 2013 (Annex 1 – Confidential);
- The note verbale sent to the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 18 December 2013 (Annex 2 – Confidential);
- The reply sent by the "Service Public Fédéral Justice" of the Kingdom of Belgium on 19 December 2013 (Annex 3 – Confidential);
- The note verbale sent to the Ministry of Justice of the Kingdom of Belgium on 20 December 2013 transmitting the annexes (Annex 4 – Confidential);

- The note verbale sent to the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 20 December 2013 transmitting the annexes (Annex 5 – Confidential);
- The note verbale sent to the Ministry of Justice of the Kingdom of Belgium on 20 December 2013 extending the deadline (Annex 6 – Confidential);
- The note verbale sent to the Ministry of Foreign Affairs of the Kingdom of the Netherlands extending the deadline (Annex 7 – Confidential);
- The observations sent by the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 30 December 2013 (Annex 8 – Confidential);
- The observations sent by the “Service Public Fédéral Justice” of the Kingdom of Belgium on 10 January 2014 (Annex 9 – Confidential).

RESPECTFULLY SUBMITTED.



Marc Dubuisson, Director of the Division of Court Services
On behalf of the Registrar

Dated this 14 January 2014

At The Hague, The Netherlands