

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 25 February 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
With 4 Public Annexes**

Report of the Registry on the "Order requesting observations from the Kingdom of the Netherlands and from the other Defence teams on the 'Requête à la Cour de ne pas exercer sa compétence, en application de l'art. 70.4(b) du Statut de Rome et de la règle 162.a, Demande en dessaisissement' submitted by the Defence for Mr. Mangenda"

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
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Kweku Vanderpuye
Florence Darques Lane

Counsel for the Defence

Counsel for Jean-Pierre Bemba Gombo
Nicholas Kaufman

Counsel for Aimé Kilolo Musamba
Ghislain Mabanga
Catherine Mabilie

Counsel for Jean-Jacques Mangenda
Kabongo
Jean Flamme

Counsel for Fidèle Babala Wandu
Jean-Pierre Kilenda Kakengi Basila

States' Representatives

Competent authorities of the
Kingdom of the Netherlands

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*” issued on 20 November 2013;¹

NOTING the “*Requête à la Cour de ne pas exercer sa compétence, en application de l’art. 70.4(b) du Statut de Rome et de la règle 162.a, Demande en dessaisissement*” (« the Request ») submitted by the Defence of Mr Mangenda on 22 January 2014;²

NOTING the “*Order requesting observations from the Kingdom of the Netherlands and from the other Defence teams on the ‘Requête à la Cour de ne pas exercer sa compétence, en application de l’art. 70.4(b) du Statut de Rome et de la règle 162.a, Demande en dessaisissement’ submitted by the Defence for Mr Mangenda*” issued by Pre-Trial Chamber II (“the Chamber”) on 7 February 2014;³

NOTING rule 176(2) the Rules of Procedure and Evidence and Regulation 23 *bis* of the Regulations of the Court;

CONSIDERING that the Chamber ordered the Registrar to transmit to the competent authorities of the Kingdom of the Netherlands the Decision as well as Mr. Mangenda’s Defence Request and any responses thereto;⁴

¹ ICC-01/05-01/13-1-Red2-tENG

² ICC-01/05-01/13-120-Conf

³ ICC-01/05-01/13-162

⁴ ICC-01/05-01/13-162

CONSIDERING that the Chamber requested the relevant authorities of the Kingdom of the Netherlands to submit their observations on Mr. Mangenda's Defence Request no later than Monday 24 February 2014.⁵

INFORMS the Chamber as follows:

1. On 13 February 2014, the Registry sent a note verbale to the Dutch authorities transmitting the Decision (Annex 1).
2. On 18 February 2014, the Registry sent a second note verbale to the Dutch authorities transmitting the English version of the Request as well as the Redacted version of the said document (Annex 2).
3. On 20 February 2014, the Registry sent a final note verbale to the Dutch authorities transmitting the English version of the Redacted version of the Request (Annex 3).
4. The Dutch authorities sent their observations on 24 February 2014. They submitted that they did not see any reason to prosecute Mr. Mangenda Kabongo under their domestic jurisdiction (Annex 4).
5. The present filing is classified public in line with the level of classification of the Decision. The annexes are filed public but the contact details of the staff members of the Court have been redacted.

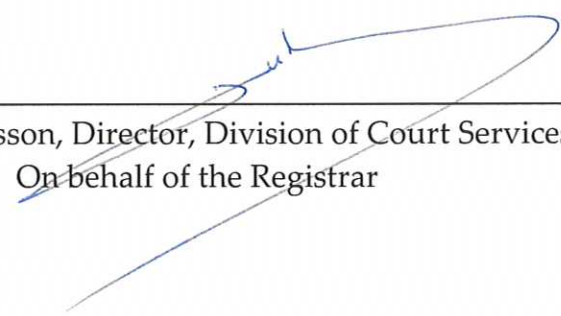
TRANSMITS in annexes:

- The note verbale sent by the Registry to the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 13 February 2014 (Annex 1 – public).
- The note verbale sent by the Registry to the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 18 February 2014 (Annex 2 – public).

⁵ ICC-01/05-01/13-162

- The note verbale sent by the Registry to the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 20 February 2014 (Annex 3 – public).
- The observations submitted by the Dutch authorities on 24 February 2014 (Annex 4 –public).

RESPECTFULLY SUBMITTED.



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

Dated this 25 February 2014

At The Hague, The Netherlands