

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13

Date: 15 July 2015

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

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 5 Confidential Annexes**

Observations from the 5 host States on Interim Release

Source: The 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

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Counsel for Narcisse Arido

Mr Charles Taku Achaleke

States' Representatives

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 2013¹;

NOTING the decision of Pre-Trial Chamber II entitled “Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” issued on 21 October 2014 (“the Decision”)²;

NOTING the Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute by Pre-Trial Chamber II issued on 11 November 2014³, confirming the charges of the Prosecutor against Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido;

NOTING the “Decision constituting Trial Chamber VII and referring to it the case of the Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” issued by the Presidency on 30 January 2015⁴;

NOTING the “Order setting the commencement date for trial” issued by Trial Chamber VII on 22 May 2015⁵;

¹ ICC-01/05-01/13-1-Red2-tENG

² ICC-01/05-01/13-703

³ ICC-01/05-01/13-749

⁴ ICC-01/05-01/13-805

⁵ ICC-01/05-01/13-960

NOTING the “Judgment on the appeals against Pre-Trial Chamber II’s decisions regarding interim release in relation to Aimé Kilolo Musamba, Jean-Jacques Mangenda, Fidèle Babala Wandu, and Narcisse Arido and order for reclassification” delivered by the Appeals Chamber on 29 May 2015⁶;

NOTING the “Observations de la Défense relative(s) au maintien de la liberté provisoire de M. Aime Kilolo Musamba” filed by the Defence for Mr. Aime Kilolo Musamba dated 19 June 2015⁷;

NOTING the “Submissions on Continuation of Interim Release”, filed by the Defence for Jean-Jacques Kabongo Mangenda dated 19 June 2015⁸;

NOTING the “Observations de la Défense de M. Fidèle Babala en exécution de «Order requesting the parties' observations under Article 60 of the Statute »”, filed by the Defence for Mr. Fidèle Babala dated 19 June 2015⁹;

NOTING the “Order Requesting Observations from Relevant States on Interim Release” (“the Order”) rendered by Trial Chamber VII on 24 June 2015¹⁰;

NOTING Articles 60(3) and 61(11) of the Rome Statute (“the Statute”), Regulations 23 bis and 51 of the Regulations of the Court;

CONSIDERING the Chamber’s order to the Registry to invite the Kingdom of the Netherlands; the Kingdom of Belgium; the United Kingdom of Great Britain and

⁶ ICC-01/05-01/13-969

⁷ ICC-01/05-01/13-1021-Red

⁸ ICC-01/05-01/13-1017

⁹ ICC-01/05-01/13-980

¹⁰ ICC-01/05-01/13-1029

Northern Ireland; the Democratic Republic of the Congo and the Republic of France to submit any observations on the interim release of the accused by 14 July 2015;

INFORMS the Chamber as follows:

1. Following the Order dated 24 June 2015, the Registry contacted the relevant authorities in the Ministry of Foreign Affairs of the Kingdom of the Netherlands, the Embassy of the United Kingdom of Great Britain and Northern Ireland, the Embassy of the Republic of France, the “Autorité Centrale de coopération judiciaire avec la CPI” of the Kingdom of Belgium, and the “Parquet général” of the Democratic Republic of Congo by way of Notes Verbales dated 26 June 2015 (Confidential - Annexes I, II, III, IV and V respectively) and transmitted the Order inviting relevant States to submit their observations on the interim release of the accused persons by 14 July 2015.
2. On 29 June 2015, a French translation of the Order was registered¹¹ and was transmitted on the same day to the relevant authorities in France, the Kingdom of Belgium and the Democratic Republic of Congo by way of Notes Verbales (Confidential - Annexes III, IV and V).
3. On 7 July 2015, having received a request from the Kingdom of Belgium to transmit the “Version publique expurgée de l’Observations de la Défense relative(s) au maintien de la liberté provisoire de M. Aime Kilolo Musamba” dated 19 June 2015 filed by the Defence team of Mr. Kilolo, the Registry transmitted such Observations to the relevant authorities in the Kingdom of Belgium by way of Note Verbale (Confidential - Annex IV).
4. Having sent appropriate reminders to the relevant authorities, to this date, the Registry has received on 13 July 2015 the Observations from the “Autorité Centrale de coopération judiciaire avec la CPI” of the Kingdom of Belgium (Confidential - Annex IV) and on 14 July 2014 the Observations from the Kingdom of the Netherlands (Confidential - Annex I), from the United

¹¹ ICC-01/05-01/13-1029 -tFRA

Kingdom of Great Britain and Northern Ireland (Confidential - Annex II) and from the “Parquet général” of the Democratic Republic of Congo (Confidential - Annex V)

5. No observations have been received from the French authorities as of yet. The Registry is liaising with the authorities to obtain such observations as soon as possible.
6. The annexes to this report are classified as confidential, as they contain the names of staff members of the Court and of the representatives of the consulted States or because they were transmitted with this level of classification to the Registry by the authorities of the three States.
7. By email to the Registry on 14 July 2015, the United Kingdom justified the confidentiality level by the fact that the British authorities usually do not comment publicly on individual cases. The Netherlands referred to the fact that the communications between the Host State and an international organization are confidential on the basis of diplomatic practice.

It is here underlined that the authorities of Belgium expressed their consent for the Chamber to render the observations public if the Chamber deems it appropriate.

TRANSMITS in annexes:

1. The *note verbale* to the Ministry of Foreign Affairs of the Kingdom of the Netherlands dated 26 June 2015, the memorandum of notification and the Observations from the Kingdom of the Netherlands dated 14 July 2015 (Confidential - Annex I);
2. The *note verbale* to the Embassy of the United Kingdom of Great Britain and Northern Ireland dated 26 June 2015, the memorandum of notification and the Observations from the United Kingdom of Great Britain and Northern Ireland dated 14 July 2015 (Confidential - Annex II);

3. The *note verbale* to the Embassy of the Republic of France dated 26 June 2015, and the memorandum of notification and the *note verbale* to the Embassy of the Republic of France dated 29 June 2015 and the memorandum of notification (Confidential - Annex III);
4. The *note verbale* to the “Autorité Centrale de coopération judiciaire avec la CPI” of the Kingdom of Belgium dated 26 June 2015 and the memorandum of notification, the *note verbale* to the “Autorité Centrale de coopération judiciaire avec la CPI” of the Kingdom of Belgium and the memorandum of notification, the *note verbale* to the “Autorité Centrale de coopération judiciaire avec la CPI” of the Kingdom of Belgium dated 7 July 2015 and the memorandum of notification, and the Observations from the Kingdom of Belgium dated 13 July 2015 (Confidential - Annex IV);
5. The *note verbale* to the “Parquet général” of the Democratic Republic of Congo dated 26 June 2015 and the memorandum of notification, the *note verbale* to the “Parquet général” of the Democratic Republic of Congo dated 29 June 2015 and the memorandum of notification and the Observations from the “Parquet général” of the Democratic Republic of Congo dated 14 July 2015 (Confidential – Annex V).

RESPECTFULLY SUBMITTED,



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

Dated this 15 July 2015

At The Hague, The Netherlands