

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 January 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**

Confidential

With annexes confidential, Ex parte only available to the Registry

Report of the Registrar on the implementation of the "*Decision on the Defence requests for Mr Jean-Pierre Bemba to attend his Stepmother's Funeral*"

Source: Registrar

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

Nkwebe Liriss
Aimé Kilolo Musamba

Legal Representatives of Victims

Marie-Edith Douzima Lawson
Zarambaud Assingambi

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

Silvana Arbia

Counsel Support Section

Deputy Registrar

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 "*Requête aux fins d'obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée*"¹ (the Request), submitted by the defence on 4 January 2011;

NOTING the "*Prosecution's Response to Defence's Urgent «Requête aux fins d'obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée »*"² submitted by the Office of the Prosecutor on 5 January 2011;

NOTING that Trial Chamber III (the Chamber) ordered the Registry to submit a report³ concerning the practical implications of the Request;

NOTING the "*Report of the Registrar concerning the practical implications of the « Requête aux fins d'obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée » submitted on 4 January 2011*"⁴ submitted by the Registrar on 6 January 2011 ;

NOTING the "*Addendum to the «Report of the Registrar concerning the practical implications of the « Requête aux fins d'obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée » submitted on 4 January 2011*"⁵ submitted by the Registrar on 6 January 2011 ;

NOTING the "*Communication du programme actualisé des obsèques et information sur les rites funéraires dans les coutumes congolaises à la suite de la requête de la défense intitulée «*

¹ ICC-01/05-01/08-1092-Conf.

² ICC-01/05-01/08-1093-Conf.

³ Correspondence from the Legal Officer of the Chamber on 4 January 2011 at 17h53.

⁴ ICC-01/05-01/08-1095-Conf.

⁵ ICC-01/05-01/08-1096-Conf.

Requête aux fins d'obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée"⁶ submitted by the Defence on 7 January 2011 ;

NOTING the "*Decision on the Defence request for Mr Jean-Pierre Bemba to attend his Stepmother's Funeral*"⁷, issued by the Trial Chamber III on 7 January 2011;

NOTING the "*Requête aux fins d'élargir l'autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de se rendre au cimetière pour l'enterrement de sa belle-mère décédée*"⁸ submitted by the Defence on 10 January 2011 ;

NOTING the oral decision of the Presiding judge of the Trial Chamber III, authorizing Mr. Jean-Pierre Bemba Gombo to attend the burial at the Cemetery of Sainte Anne de Waterloo in Belgium, issued on 10 January 2011;

NOTING article 87 of the Rome Statute; regulations 23 *bis* and 24 *bis* of the Regulations of the Court;

CONSIDERING that in the decision issued on 7 January 2011, the Chamber orders, inter alia, that the Registry file a follow-up report⁹ on the transfer and its implementation by 16.00 on 12 January 2011;

RESPECTFULLY SUBMITS the present document classified *confidential* as it pertains to a request labelled as confidential by a party in the proceedings;

⁶ ICC-01/05-01/08-1098-Conf.

⁷ ICC-01/05-01/08-1099-Conf.

⁸ ICC-01/05-01/08-1101-Conf.

⁹ ICC-01/05-01/08-1099-Conf., page 10, para.20.

REPORTS to the Chamber as follows:

1. Implementing the *“Decision on the Defence request for Mr. Jean-Pierre Bemba to attend his Stepmother’s Funeral”* (the Decision), the Registrar has organized the transfer of Mr. Bemba to the Kingdom of Belgium for his attendance to his step-mother’s funeral, with the cooperation of the relevant authorities of the Kingdom of the Netherlands and the Kingdom of Belgium.

Chronology of the Events from an operational point of view in the presence of a representative of the Registry

2. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹⁰ WL35/ICT-90-65/5220/JoH/2011/011. Annex 2

[REDACTED]

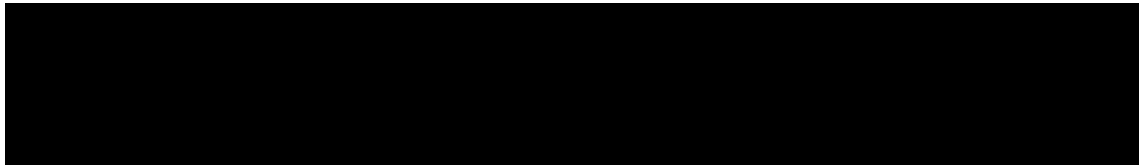
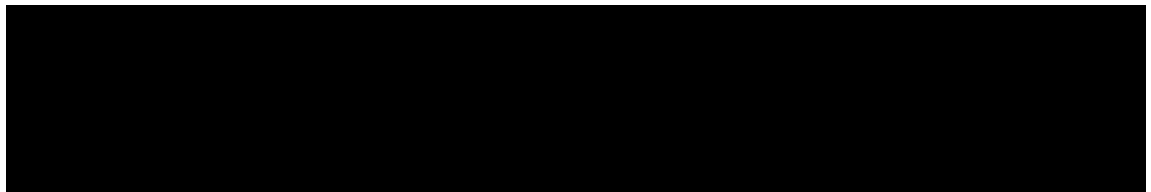
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

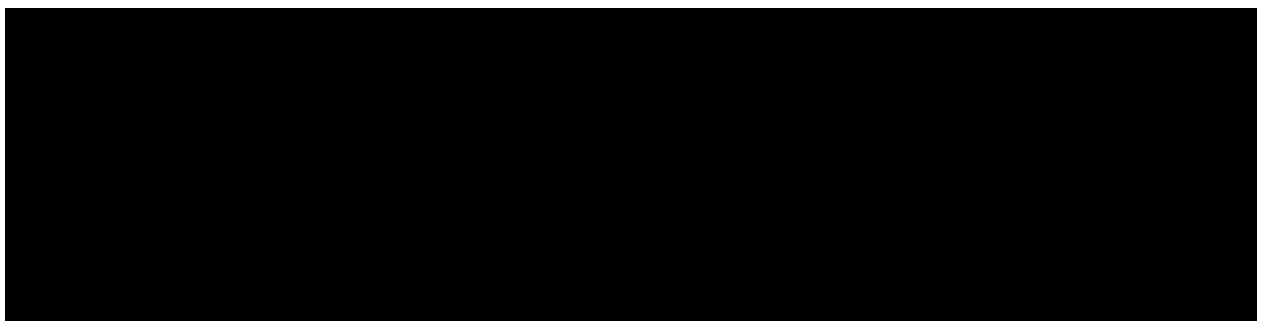
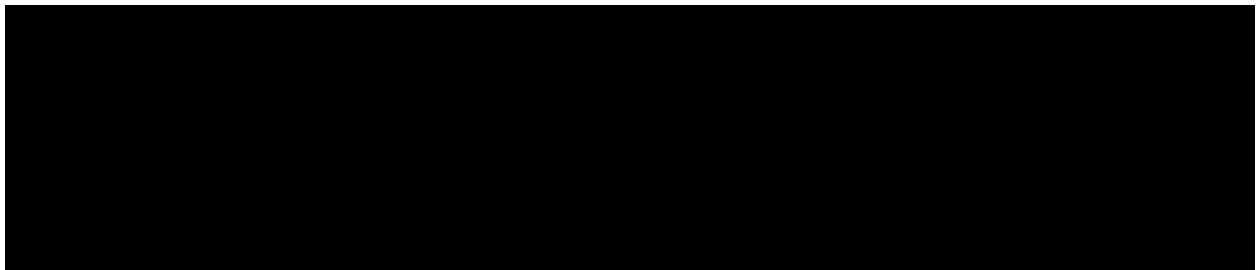
[REDACTED]



Report on Mr. Bemba behaviour all through the operation

2. Mr. Marc Dubuisson, Director of Court Services, acting as the representative of the Registry of the Court reported that Mr. Bemba had an irreproachable behaviour during the journey as well as all through the ceremony. At all time Mr. Bemba abided by all the Chamber's instructions and the conditions of both the Belgian and the Dutch authorities.

Security measures taken during the Transfer



Cooperation with the Kingdoms of the Netherlands and Belgium

5. The cooperation with the Dutch authorities was in accordance with the conditions set in the note verbale communicated to the Registry by the Ministry of Foreign

Affairs of the Kingdom of the Netherlands, and with Articles 44 and 47 of the Headquarters Agreement between the Court and the host State. The said note verbale has been transmitted earlier to the Chamber by the Registry in the *“Addendum to the “Report of the Registrar concerning the practical implications of the « Requête aux fins d’obtenir une autorisation de sortie pour permettre à M. Jean-Pierre Bemba Gombo de prendre part aux cérémonies de funérailles de sa belle-mère décédée » submitted on 4 January 2011”*¹¹ submitted by the Registrar on 6 January 2011.

6. The cooperation with the Belgian authorities was excellent and this included the implementation of the decision of the Chamber authorising Mr. Bemba to attend the burial of his stepmother at the Saint Anne cemetery of Waterloo, which has to be issued orally and notified immediately to the Belgian authorities in the course of the operation, given the urgency of the Defence’s request.

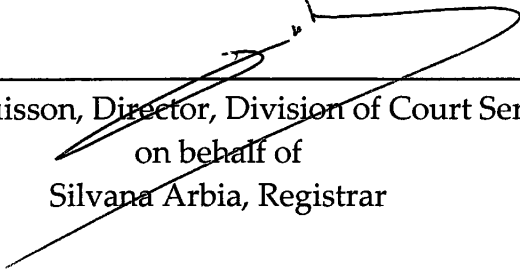
RESPECTFULLY TRANSMITS to the Chamber the following documentation:

- Annex 1: The email communicating the Chamber oral decision to the Belgian authorities on 10 January 2011;

¹¹ ICC-01/05-01/08-1096-Conf.

- Annex 2: Note verbale communicated to the Court by the Belgian authorities on 7 January 2011;

RESPECTFULLY SUBMITTED,



Marc Dubuisson, Director, Division of Court Services
on behalf of
Silvana Arbia, Registrar

Dated this 12 January 2011

At The Hague in the Netherlands