

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 August 2008

PRE-TRIAL CHAMBER III

Before: Judge Hans-Peter Kaul, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
v. JEAN-PIERRE BEMBA GOMBO**

Public Document

**DECISION REQUESTING OBSERVATIONS OF THE PROSECUTOR ON THE
DEFENCE'S APPLICATION FOR INTERIM RELEASE**

Decision 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

Tjarda Edouard Van der Spoel
Aimé Kilolo-Musamba
Nkwebe Liriss

Legal Representatives of the Victims

Legal Representatives of the 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

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Pre-Trial Chamber III (the “Chamber”) of the International Criminal Court (the “Court”) has received on 24 July 2008 an application for interim release by the Defence of Mr Jean-Pierre Bemba Gombo (Mr Jean-Pierre Bemba).¹

2. Judge Hans-Peter Kaul, acting as Single Judge in this case,² recalls that Mr Jean-Pierre Bemba was arrested in the Kingdom of Belgium following the issuance of a warrant of arrest by the Chamber on 10 June 2008.³ He was surrendered to the seat of the Court on 3 July 2008. His first appearance before the Chamber took place on 4 July 2008.

3. The Defence requests in the application for interim release, *inter alia*, that the Chamber “grant interim release to Mr Jean-Pierre Bemba and to designate a host country for him, in principle Belgium, in the alternative Portugal and as a second alternative Switzerland and if the Pre-Trial Chamber deems appropriate to impose on Mr Jean-Pierre Bemba any other conditions.”⁴

4. The Defence submits that Mr Jean-Pierre Bemba’s personal circumstances show that the conditions of article 58(1) of the Rome Statute (the “Statute”) have not been met. It alleges that even though the investigations were initiated over a year ago, Mr Jean-Pierre Bemba who resides in the Republic of Portugal and the Kingdom of Belgium after he left the Democratic Republic of Congo did not flee and all his movements were well known during that year. It is further submitted that Mr Jean-Pierre Bemba is an important politician and a trusted man who often travels within Europe to maintain his contacts. He did not plan to leave the Schengen territory except for a planned holiday to the United States of America with his wife and children. Lastly, the Defence asserts that there is no indication whatsoever of any

¹ ICC-01/05-01/08-49.

² ICC-01/05-17.

³ ICC-01/05-01/08-15.

⁴ ICC-01/05-01/08-49, p. 17.

attempt on Mr Jean-Pierre Bemba's behalf to obstruct justice or any investigations. It is submitted that he is still willing to collaborate with the ICC.⁵

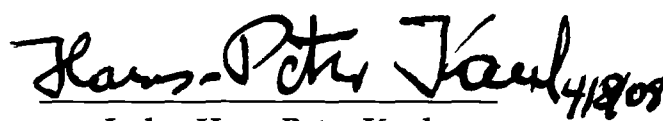
5. The Single Judge notes article 60(2) of the Statute as well as rules 118 and 119 of the Rules of Procedure and Evidence (the "Rules") and regulation 34 of the Regulations of the Court (the "Regulations"). The Single Judge recalls in particular rule 118 of the Rules which provides that the Chamber shall decide on the interim release after having received views and observations of the Prosecutor.

6. The Single Judge also notes that the Prosecutor was equally notified of the application for interim release of the suspect on 24 July 2008.

FOR THESE REASONS, THE SINGLE JUDGE

Requests the Prosecutor to submit his observations on the Defence's application for interim release by no later than **11 August 2008, 16h00**.

Done in both English and French, the English version being authoritative.


Judge Hans-Peter Kaul
Single Judge

Dated this 4 August 2008

At The Hague, the Netherlands

⁵ ICC-01/05-01/08-49, paras 25-31.