

**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 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 Eduard 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

Competent authorities of
the Kingdom of Belgium
the Republic of Portugal
the Swiss Confederation
the Kingdom of the Netherlands

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 regulations 34 and 51 of the Regulations of the Court (the "Regulations"). The Single Judge recalls in particular regulation 51 of the Regulations which provides "[f]or the purposes of a decision on interim release, the Pre-Trial Chamber shall seek the observations from the host State and from the State to which the person seeks to be released."

FOR THESE REASONS, THE SINGLE JUDGE

(a) **Orders** the Registrar to notify the relevant authorities of the Kingdom of Belgium, the Republic of Portugal, the Swiss Confederation and the Kingdom of the Netherlands of the present decision and transmit the following documentation:

- (i) Warrant of arrest against Jean-Pierre Bemba Gombo dated 10 June 2008 (ICC-01/05-01/08-15);
- (ii) Application for interim release submitted by the Defence and notified on 24 July 2008 (ICC-01/05-01/08-49) in original language.

(b) **Requests** the relevant authorities of the Kingdom of Belgium, the Republic of Portugal, the Swiss Confederation and the Kingdom of the Netherlands to make their observations by no later than **14 August 2008** on

⁵ ICC-01/05-01/08-49, paras 25-31.

- (i) the application for interim release and
- (ii) conditions, if any, that would have to be met in order for the State to accept Mr Jean-Pierre Bemba Gombo's release on its territory.

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

A handwritten signature in black ink that reads "Hans-Peter Kaul" followed by a date "4/8/08" written in a smaller, less distinct script.

Judge Hans-Peter Kaul
Single Judge

Dated this 4 August 2008

At The Hague, the Netherlands