

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 10 October 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

URGENT

With four confidential annexes

Transmission of the observations submitted by the Belgian, Dutch, French and British authorities on the "Decision requesting observations from States for the purpose of the review of the detention of the suspects pursuant to regulation 51 of the Regulations of the Court"

Source: The Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Göran Sluiter

States' Representatives

The Kingdom of the Netherlands
The Kingdom of Belgium
The United Kingdom of Great Britain
and Northern Ireland
The French Republic

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Patrick Craig

**Victims Participation and Reparations
Section**

Other

THE REGISTRY of the International Criminal Court (the “Court”):

NOTING the “Decision requesting observations from States for the purposes of the review of the detention of the suspects pursuant to regulation 51 of the Regulations of the Court”¹ dated 26 September 2014;

NOTING articles 21, 58(1), 60(3) and 67(1) of the Rome Statute , rules 118(1), (2) and (3), 119-1 and 176(2) of the Rules of Procedure and Evidence and regulations 51 and 23 *bis* of the Regulations of the Court;

CONSIDERING that the Single Judge requested the relevant authorities of the Kingdom of the Netherlands, the Democratic Republic of the Congo, the Kingdom of Belgium, the French Republic and the United Kingdom of Great Britain and Northern Ireland to submit, no later than Friday 10 October 2014, their observations on (i) the possible conditional release of the suspects to their territory, and (ii) their ability to enforce the conditions restricting liberty listed in letters (a) to (h) of rule 119(1) of the Rules;

INFORMS the Single Judge as follows:


1. The Registry transmitted the decision via a note verbale to the United Kingdom of Great Britain and Northern Ireland on 30 September 2014. The United Kingdom transmitted its observations on 10 October 2014 (annex 1).
2. The Registry transmitted the decision and four notes verbales to the Kingdom of the Netherlands on 30 September 2014. The Netherlands transmitted their observations on 10 October 2014 (annex 2).

¹ ICC-01/05-01/13-683

3. The Registry transmitted the Decision and its French version via a note verbale to the French authorities on 2 October 2014. The French authorities transmitted their observations on 10 October 2014 (annex 3)
4. The Registry transmitted the Decision and its French version via a note verbale to the Belgian authorities on 2 October 2014. The authorities requested an extension of time in view of the short time period available to reply. The authorities respectfully requested a reply by 7 October 2014. The Single Judge rejected the request for extension stressing that this matter relates to the fundamental right to liberty, therefore requiring an expedited decision. The Belgian authorities submitted their reply dated 9 October 2014 (annex 4).
5. The Registry transmitted the Decision and its French version via a note verbale to the Congolese authorities on 3 October 2014. The authorities requested an extension of time in view of the late transmission of the translated version of the Decision. The Single Judge granted an extension of a couple of days only stressing that this matter relates to the fundamental right to liberty, therefore requiring an expedited decision.
6. The present filing is classified public in accordance with the classification of the Decision. The annexes are classified confidential. The four national authorities indicated that they had no objections for their respective observations to be filed public should the Chamber wish to give them this classification.
7. The Registry conveyed the urgency of the matter to the authorities of the Democratic Republic of the Congo and will file their observations as soon as they are received.

TRANSMITS in annexes:

- The note verbale sent by the British authorities concerning Mr. Mangenda dated 10 October 2014 as well the note verbale of the Registry and the memorandum of notification (Annex 1 - Confidential);
- The observations submitted by the Dutch authorities dated 10 October 2014 concerning the four individuals as well the note verbale of the Registry and the memorandum of notification (Annex 2 - Confidential);
- The observations submitted by the French authorities dated 10 October 2014 concerning Mr. Arido as well the note verbale of the Registry and the memorandum of notification (Annex 3 – Confidential);
- The observations submitted by the Belgian authorities dated 10 October 2014 concerning the four individuals, their request for extension as well the note verbale of the Registry and the memorandum of notification (Annex 4 – Confidential).

RESPECTFULLY SUBMITTED,

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

Dated this 10 October 2014

At The Hague, The Netherlands