

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04
Date: 29 March 2006

THE APPEALS CHAMBER

Before: Judge Navanethem Pillay, Presiding
Judge Philippe Kirsch
Judge Georgios M. Pikis
Judge Sang-Hyun Song
Judge Erkki Kourula

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**Under Seal
EX PARTE, only available to the Prosecutor**

**ORDER PURSUANT TO REGULATION 28 OF THE REGULATIONS OF THE
COURT FOR THE PROSECUTOR TO RESPOND TO QUESTIONS**

The Office of the Prosecutor
Mr Luis Moreno-Ocampo, Prosecutor

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor of 14 February 2006 (ICC-01/04-01/06-3-US-Exp) against the decision of Pre Trial Chamber I of 10 February 2006 entitled "Decision on the Prosecutor's Application for Warrants of Arrest, Article 58",

Pursuant to regulation 28 of the Regulations of the Court,

Issues the following

ORDER

The Prosecutor is directed to respond to the under mentioned questions by Wednesday, 5 April 2006.

1. EX PARTE AND UNDER SEAL FILING OF THE APPEAL

What is (a) the factual basis and (b) the legal basis for the filing of the appeal (i) "under seal" and (ii) "*Ex parte, Prosecution only*"?

In answering part (b) of this question, the Prosecutor is requested to make specific reference to the provisions of the Statute, the Rules and the Regulations of the Court, as well as any other authorities relied upon.

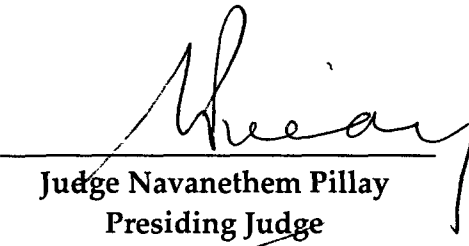
2. THE APPLICABILITY OF ARTICLE 19(3)

2.1 The Prosecutor is requested to provide submissions on the applicability of the second sentence of article 19(3) of the Statute and the provisions of rule 59 of the Rules of Procedure and Evidence to the present proceedings.

2.2 If article 19(3) is applicable, does the Prosecutor contend that the "under seal and Ex parte, Prosecution only" nature of the proceedings have a bearing on the right conferred upon the referring State and / or victims to submit observations under its provisions?

2.3 Are the legal entities and persons envisaged by article 19(3), second sentence, aware of the proceedings and if not, why not?

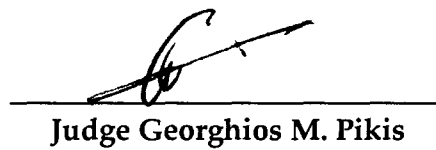
Done in both English and French, the English version being authoritative.



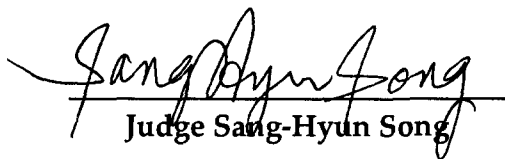
Judge Navanethem Pillay
Presiding Judge



Judge Philippe Kirsch



Judge Georgios M. Pikis



Judge Sang-Hyun Song



Judge Erkki Kourula

Dated this 29th day of March 2006

At The Hague, The Netherlands