

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 January 2008

PRE-TRIAL CHAMBER III

Before: Judge Ekaterina Trendafilova, Single Judge

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

Public Document

**Submission by the Registrar on the Decision Authorising Photographs at the
Confirmation of the Charges Hearing on 12 January 2009**

Source: The Registrar

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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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

The Registrar of the International Criminal Court (the “Court”);

NOTING the Decision Authorising Photographs at the Confirmation of the Charges Hearing on 12 January 2009¹,

NOTING articles 61 and 67 of the Rome Statute, rule 122 of the Rules of Procedure and Evidence, regulations 20, 21 and 24 *bis* of the Regulations of the Court and regulations 41 and 42 of the Regulations of the Registry;

CONSIDERING that the Chamber deems “appropriate to allow photographs and filming to be taken in the courtroom at the beginning of the Hearing”, and consequently “authorises the Registrar to inform external applicants that they will be allowed to take photographs and filming in the courtroom”;

CONSIDERING that regulation 21(1) of the Regulations of the Court provides “The publicity of hearings may extend beyond the courtroom and may be through broadcasting by the Registry or release of transcripts or recordings, unless otherwise ordered by the Chamber”; that this regulation was adopted to depart from most national practices where the publicity of proceedings does not extend beyond the courtroom, taking into account the specificity of the Court as an institution vested with a historical role, and for outreach purposes, since proceedings are held in The Hague, far away from the locations of alleged crimes; that when deciding to extend the publicity beyond the courtroom, the judges in plenary specified that the Registry would be vested with the authority to broadcast hearings; that the adjunction of “unless otherwise ordered by the Chamber” was aimed at allowing a Chamber not to extend publicity beyond hearings, rather than allowing it to depart from the prescribed method of broadcasting; that this interpretation of regulation 21(1) is

¹ ICC-01/05-01/08-351

reinforced by regulations 41 and 42 of the Regulations of the Registry which outline guidelines in order to ensure that the filming is performed ethically and in due respect of the decorum of the hearing and the dignity of the persons at the hearing;

CONSIDERING that in order to implement regulation 21(1) of the Regulations of the Court, the Court has spent no less than 1,2 million euros to build courtrooms up to TV studio standard equipped with high quality filming and recording devices so that the recordings would be of very high quality, to fulfil both a historical purpose as well as an outreach purpose, including digital recording to facilitate the dissemination, and an area within the D-Wing where TV-crews can directly upload the Registry broadcast signal; that additionally an ICC logo is enshrined in the recordings so as to authenticate them; that it ensues that filming is in any event done by the Court's Registry, of a high quality and with guarantees as to the ethical method of filming;

CONSIDERING that the Public Information Unit of the Registry supports the worldwide distribution of the official images and that the current system has never generated any problems or complaints of the media;

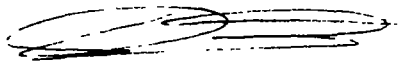
CONSIDERING that up to date, the practice has been to authorise only photographs to be taken; that this practice has been followed at the Court in a similar manner to the practice of other international tribunals, and also because at the outset the Public Information and Documentation Section did not have the appropriate resources to deal with the photographs; that however the Registry is less concerned with allowing externals to take photographs as there is less possibility for distortion than with a film; that presently, the Registry is fully capable of producing photographs from the recordings, and disseminate them appropriately to the externals;

CONSIDERING that the Registry might be placed in the situation where it would have to select from a high number of requesting externals a limited number of crews authorised to film inside the courtroom; that no criteria are available to proceed with such a selection; that the selection might be wrongly perceived or have further adverse repercussions; that there is not sufficient time before the start of the Confirmation of Charges Hearing to devise a policy with criteria for selection;

CONSIDERING that this authorisation sets a precedent which in all likelihood externals will want to repeat, possibly also to extend to other types of hearings;

FOR THESE REASONS, SUBMITS that:

- allowing externals to film inside the courtroom prohibits the Court from controlling whether the filming is done ethically and in due respect of the decorum of the hearing and the dignity of the persons at the hearing;
- allowing externals to film inside the courtroom allows for non-Court authenticated images to circulate and possibly be edited in a way distorting the truth;
- it would be of importance to submit this for discussion at the judges' plenary and to carefully delineate the scope of such authorisation.

P/o 

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

Dated this 9 January 2009

At The Hague, The Netherlands