

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 6 September 2010

THE APPEALS CHAMBER

Before: Judge Anita Ušacka, President
Judge Sang - Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Daniel David Ntanda Nsereko

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

PUBLIC

With confidential annexes 1 to 8

The Registrar's transmission of the communication from the Central African Republic pursuant to the Appeals Chamber's «*Instructions relatives à la soumission d'observations en vertu de l'article 19-3 du Statut de Rome et de la règle 59-3 du Règlement de procédure et de preuve*» (ICC-01/05-01/08-818) dated 12 July 2010

Source: Registrar

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo Musamba

Legal Representatives of Victims

Ms Marie-Edith Douzima-Lawson

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR of the International Criminal Court (the “Court”);

NOTING the “*Decision on the Admissibility and Abuse of Process Challenges*”¹ issued by Trial Chamber III on 24 June 2010;

NOTING the “*Instructions relatives à la soumission d’observations en vertu de l’article 19-3 du Statut de Rome et de la règle 59-3 du Règlement de procédure et de preuve*”² (the “Instructions”) issued by the Appeals Chamber (the “Chamber”) on 12 July 2010 ;

NOTING the “*Requête de la Défense aux fins d’obtenir l’extension de délai*”³ submitted by the Defence on 13 July 2010;

NOTING the “*Order on the filing of a response by the Prosecutor to Mr Bemba’s*”⁴ issued by the Chamber on 13 July 2010;

NOTING the “*Prosecution’s response to Defence request for extension of time to file its document in support of the Defence appeal against the Decision on the Admissibility and Abuse of Process Challenges*”⁵ submitted by the Office of the Prosecutor on 14 July 2010;

NOTING the “*Decision on the request for an extension of the time limit*”⁶ issued by the Chamber on 15 July 2010;

¹ ICC-01/05-01/08-802, ICC-01/05-01/08-802-tFRA was issued on 13 August 2010

² ICC-01/05-01/08-818

³ ICC-01/05-01/08-820

⁴ ICC-01/05-01/08-822

⁵ ICC-01/05-01/08-823

⁶ ICC-01/05-01/08-827

NOTING the “*Corrigendum Mémoire à l’Appui de l’Appel de la Défense contre la décision de la Chambre de Première Instance III du 24 Juin 2010 intitulée “Decision on the Admissibility and Abuse of Process Challenge”*”⁷ (the “Defence Document in Support of the Appeal”) submitted by the Defence on 27 July 2010;

NOTING the public redacted version of the “*Corrigendum Mémoire à l’Appui de l’Appel de la Défense contre la décision de la Chambre de Première Instance III du 24 Juin 2010 intitulée “Decision on the Admissibility and Abuse of Process Challenge”*”⁸ submitted by the Defence on 26 July 2010;

NOTING the “*Prosecution’s Response to «Document in Support of the Defence Appeal Against the Decision of Trial Chamber III of 24 June 2010 Decision on the Admissibility and Abuse of Process Challenge »*”⁹ (the “Prosecution’s Response to the Defence Document in Support of the Appeal”) submitted by the Office of the Prosecutor on 17 August 2010;

NOTING the public redacted version of the “*Prosecution’s Response to «Document in Support of the Defence Appeal Against the Decision of Trial Chamber III of 24 June 2010 Decision on the Admissibility and Abuse of Process Challenge »*”¹⁰ submitted by the Office of the Prosecutor on 17 August 2010;

NOTING rule 176(2) of the Rules of Procedure and Evidence and regulations 23*bis* and 24*bis* of the Regulations of the Court;

⁷ ICC-01/05-01/08-841-Conf-Corr

⁸ ICC-01/05-01/08-841-Corr-Red

⁹ ICC-01/05-01/08-855-Conf

¹⁰ ICC-01/05-01/08-855-Red

REPORTS to the Chamber as follows:

1. On 14 July 2010, the Registry transmitted the Instructions of the Chamber¹¹ to the authorities of the Central African Republic inviting the authorities to submit their observations on the Defence Document in Support of the Appeal as well as on the Prosecution's Response to the Defence Document in Support of the Appeal within 10 days counting from the day when the authorities are notified of the latter document. In the case where the Prosecution does not submit its response to the Defence Document in Support of the Appeal, the 10-day time-limit will start to count upon expiry of the time limit given to the Prosecution to respond to the Defence Document in Support of the Appeal¹².
2. On 21 July 2010, the Registry transmitted to the authorities the "*Requête de la Défense aux fins d'obtenir l'extension de délai*" of 13 July 2010 and the "*Decision on the request for an extension of the time limit*" of 15 July 2010¹³;
3. On 28 July 2010, the Registry transmitted to the authorities the Defence Document in Support of the Appeal of 26 July 2010 along with its public redacted version¹⁴.
4. The Chamber instructed the Registry not to notify to the authorities the Prosecution's Response to the Defence Document in Support of the Appeal until the French translation of such document is available and to transmit the

¹¹ Annex 1 attached hereto, note verbale communicated by the Registry to the authorities of the Central African Republic, dated 13 July 2010

¹² ICC-01/05-01/08-818, para. 1

¹³ Annex 2 attached hereto, note verbale communicated by the Registry to the authorities of the Central African Republic, dated 21 July 2010

¹⁴ Annex 3 attached hereto, note verbale communicated by the Registry to the authorities of the Central African Republic, dated 27 July 2010

Prosecution's Response to the Defence Document in Support of the Appeal together with its French translation¹⁵.

5. On 23 August 2010, the Registry communicated a note verbale¹⁶ informing the authorities that the Prosecution's Response to the Defence Document in Support of the Appeal has been submitted on 17 August. The authorities were informed that such document will be transmitted only when its French translation is available and the 10-day time-limit will start to count when the authorities are notified of both the Prosecution's Response to the Defence Document in Support of the Appeal and its French translation.
6. On 26 August 2010, the Registry transmitted to the authorities the Prosecution's Response to the Defence Document in Support of the Appeal and its public redacted version along with the French translations of both versions¹⁷.
7. On 3 September 2010, the authorities communicated to the Registry a letter indicating their wish to receive the French translation of Trial Chamber III's "*Decision on the Admissibility and Abuse of Process Challenges*"¹⁸ and requesting an extension of time limit for submitting their observations¹⁹.
8. In light of the request from the authorities, the Registry would like to inform the Chamber that Trial Chamber III's "*Decision on the Admissibility and Abuse of Process Challenges*" was transmitted to the authorities of the Central African

¹⁵ Instructions from the Appeals Chamber given through electronic email dated 23 July 2010

¹⁶ Annex 4 attached hereto, note verbale communicated by the Registry to the authorities of the Central African Republic, dated 23 August 2010

¹⁷ Annex 5 attached hereto, note verbale communicated by the Registry to the authorities of the Central African Republic, dated 26 August 2010

¹⁸ ICC-01/05-01/08-802, ICC-01/05-01/08-802-tFRA was issued on 13 August 2010

¹⁹ Annex 6 attached hereto, a letter communicated by the authorities of the Central African Republic dated 3 September 2010

Republic on 29 June 2010²⁰ and due to an oversight of the Registry, the French translation of the said Decision was only transmitted to the authorities on 6 September 2010²¹.

9. The Registry would also like to respectfully bring the Chamber's attention to the fact that the French translation of the said Decision has been published on the website of the Court since its issuance on 13 August 2010 pursuant to article 8 of the Rome Statute.

SUBMITS the annexes to the present document *confidential* because the annexes contain names of staff of the Court and the communication from the State;

TRANSMITS, respectfully and in accordance with rule 176(2) of the Rules,

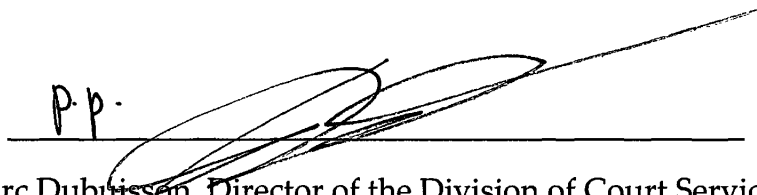
- Annex 1: Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 13 July 2010
- Annex 2: Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 21 July 2010
- Annex 3: Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 27 July 2010
- Annex 4: Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 23 August 2010
- Annex 5: Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 26 August 2010

²⁰ Annex 7, Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 25 June 2010

²¹ Annex 8, Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 3 September 2010

- Annex 6: Letter communicated by the authorities of the Central African Republic dated 3 September 2010;
- Annex 7: Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 25 June 2010
- Annex 8: Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 3 September 2010

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to be 'P. P.' followed by a large, stylized flourish, is written over a horizontal line.

Marc Dubuisson, Director of the Division of Court Services

on behalf of

Silvana Arbia, Registrar

Dated this 6 September 2010

At The Hague, the Netherlands