

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08 OA3

Date: 8 November 2010

THE APPEALS CHAMBER

Before: Judge Anita Ušacka, Presiding Judge
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. THE PROSECUTOR V. JEAN-PIERRE BEMBA GOMBO

Public Document

With confidential annexes 1 to 3

The Registrar's transmission of the observations of the Central African Republic pursuant to the Appeals Chamber's "Order to consult with the authorities of the Central African Republic" (ICC-01/05-01/08-973) dated 25 October 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 the Victims

Ms Marie Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massida

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr Giovanni Bassu

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

NOTING the “*Prosecution’s Response to Appeals Chamber Order on the Classification of Documents*”¹ submitted by the Office of the Prosecutor on 11 October 2010;

NOTING the “*Order to consult with the authorities of the Central African Republic*”² (the “Order”) issued by the Appeals Chamber (the “Chamber”) on 25 October 2010;

NOTING article 87 of the Rome Statute; rule 176(2) of the Rules of Procedure and Evidence and regulations 23bis and 24bis of the Regulations of the Court;

CONSIDERING that in the Order, the Chamber ordered the Registrar “*to consult with the authorities of the Central African Republic concerning whether documents ICC-01/05-01/08-944-Conf-AnxC, ICC-01/05-01/08-944-Conf-AnxD and ICC-01/05-01/08-951-Conf-AnxA, or any information therein, can be reclassified as public, and to report to the Appeals Chamber on the results of these consultations by 16h00 on 8 November 2010*”³;

CONSIDERING that on 26 October 2010, the Registry transmitted the Order of the Chamber⁴ to the authorities of the Central African Republic together with the documents ICC-01/05-01/08-944-Conf-AnxC, ICC-01/05-01/08-944-Conf-AnxD and ICC-01/05-01/08-951-Conf-AnxA;

¹ ICC-01/05-01/08-944-Conf.

² ICC-01/05-01/08-973.

³ *Ibid*, page 1.

⁴ Annex 1 attached hereto, Note verbale communicated by the Registry to the authorities of the Central African Republic dated 25 October 2010.

CONSIDERING that on 4 November 2010, the Registry transmitted the French translation of the Order of the Chamber to the authorities of the Central African Republic⁵;

CONSIDERING that on 5 November 2010 the authorities of the Central African Republic transmitted a letter⁶ to the Registry expressing that the authorities are not in favour of the disclosure of the documents indicated in the Order to the public due to the concern that the disclosure of such documents may affect negatively some of its diplomatic relations and undermine the dignity and/or security of persons mentioned therein in accordance with article 68 (6) of the Rome Statute;

SUBMITS the annexes to the present document *confidential* due to the reason that the names of the staff of the Court contained in annexes 1 and 2 should not be disclosed to the public and that the letter transmitted by the authorities of the Central African Republic was classified as confidential by the authorities;

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

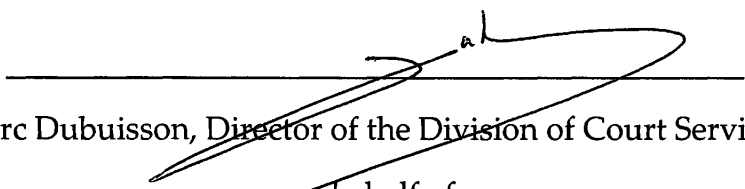
- Annex 1: Note verbale communicated by the Registry to the authorities of the Central African Republic dated 25 October 2010
- Annex 2: Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 3 November 2010

⁵ Annex 2 attached hereto, Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 3 November 2010.

⁶ Annex 3 attached hereto, Letter transmitted by the authorities of the Central African Republic, dated 5 November 2010.

- Annex 3: Letter transmitted by the authorities of the Central African Republic, dated 5 November 2010.

RESPECTFULLY SUBMITTED,



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

Dated this 8 November 2010

At The Hague, the Netherlands