

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/05-01/08 OA 3

Date: 19 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. JEAN-PIERRE BEMBA GOMBO

Public document

Second order

to consult with the authorities of the Central African Republic

Order 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
Mr Fabricio Guariglia

Counsel for the Defence

Mr Liriss Nkwebe
Mr Aimé Kilolo-Musamba

Legal Representatives of Victims

Ms Marie-Edith Douzima Lawson

The Office of Public Counsel for Victims

Ms Paolina Massida

States Representatives

The Government of the Central African
Republic

REGISTRY

Registrar

Ms Silvana Arbia



The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III entitled “Decision on the Admissibility and Abuse of Process Challenges” of 24 June 2010 (ICC-01/05-01/08-802),

Unanimously,

Issues the following

ORDER

The Registrar is again ordered 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 1 December 2010.

REASONS

1. On 25 October 2010, the Appeals Chamber issued an order to 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, could be reclassified as public, and to report to the Appeals Chamber on the results of these consultations by 16h00 on 8 November 2010”.¹
2. On 8 November 2010, the Registrar filed its response to this order, entitled “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

¹ “Order to consult with the authorities of the Central African Republic”, ICC-01/05-01/08-973 (OA 3).



Republic' (ICC-01/05-01/08-973) dated 25 October 2010"² (hereinafter: "Registrar's Response"). Confidential Annex 1 of the Registrar's Response contains the cover letter and record of the Registrar's transmission of three documents to the Central African Republic. However, the cover letter, the accompanying record of the transmission, and the Central African Republic's response to the transmission³ indicate that the Registrar has mistakenly transmitted ICC-01/05-01/08-944-Conf-AnxA to the Central African Republic instead of ICC-01/05-01/08-951-Conf-AnxA. The response of the Central African Republic concerning whether the three documents could be reclassified as public primarily focuses on the reclassification of ICC-01/05-01/08-944-Conf-AnxA, which had been erroneously transmitted.

3. For these reasons, the Appeals Chamber again orders 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. The Appeals Chamber underlines, as indicated in its 25 October 2010 "Order to consult with the authorities of the Central African Republic", that while these three documents are currently classified as confidential, some of the information contained therein has already been made public.⁴

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



Judge Anita Ušacka
Presiding Judge

Dated this 19th day of November 2010

At The Hague, The Netherlands

² ICC-01/05-01/08-1001.

³ Registrar's Response, ICC-01/05-01/08-1001-Conf-Anx3.

⁴ "Order to consult with the authorities of the Central African Republic", 25 October 2010, ICC-01/05-01/08-973 (OA 3), paras 5-7.