

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 24 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

With confidential annexes 1 to 3

Transmission by the Registrar's of the observations of the Central African Republic pursuant to the Appeals Chamber's « *Second order to consult with the authorities of the Central African Republic* » (ICC-01/05-01/08-1018) dated 19 November 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
Mr Assingambi Zarambaud

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 “*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 “*Prosecution’s Response to the Appeals Chamber Order on the reasons for the classification of documents*”² submitted by the Office of the Prosecutor on 14 October 2010;

NOTING the “*Order to consult with the authorities of the Central African Republic*”³ (the “First Order”) issued by the Appeals Chamber (the “Chamber”) on 25 October 2010;

NOTING the “*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*”⁴ submitted on 8 November 2010;

NOTING the “*Second order to consult with the authorities of the Central African Republic*”⁵ (the “Second Order”) issued by the Chamber on 19 November 2010;

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

¹ ICC-01/05-01/08-944-Conf and its annexes C and D.

² ICC-01/05-01/08-951 and its annex A.

³ ICC-01/05-01/08-973.

⁴ ICC-01/05-01/08-1001.

⁵ ICC-01/05-01/08-1018.

CONSIDERING that in the First 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"*⁶;

CONSIDERING that, on 26 October 2010, the Registry mistakenly transmitted ICC-01/05-01/08-944-Conf-AnxA to the authorities of the Central African Republic instead of ICC-01/05-01/08-951-Conf-AnxA;⁷

CONSIDERING that, on 19 November 2010, the Registry communicated a note verbale to the authorities of the Central African Republic, together with document ICC-01/05-01/08-951-Conf-AnxA, and enquired as to whether the authorities has any objections to the disclosure of the said document ICC-01/05-01/08-951-Conf-AnxA;⁸

CONSIDERING that, on 19 November 2010, the Chamber issued the Second Order instructing 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 1 December 2010."*⁹;

⁶ ICC-01/05-01/08-973, page 1.

⁷ ICC-01/05-01/08-1001-Conf-Anx1.

⁸ Annex 1 attached hereto, Note verbale sent to the authorities of the Central African Republic, dated 18 November 2010.

⁹ *Ibid*, page 3.

CONSIDERING that, on 23 November 2010, the Registry transmitted the Chamber's Second Order to the authorities of the Central African Republic along with 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 and enquired as to whether the authorities has any objections to the disclosure of all 3 aforementioned documents;

CONSIDERING that, on 24 November 2010, the authorities of the Central African Republic transmitted a letter to the Registry indicating that they did not find any obstacles to the disclosure of the 3 aforementioned documents;¹⁰

SUBMITS the annexes to the present document *confidential* because annexes 1 and 2 contain the names of the staff of the Court which should not be disclosed to the public and that the authorities of the Central African Republic did not specify that the letter transmitted to the Registry can be publicised;

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 18 November 2010;
- Annex 2: Note verbale communicated by the Registry to the authorities of the Central African Republic, dated 23 November 2010;

¹⁰ 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 to the Registry, dated 24 November 2010;

RESPECTFULLY SUBMITTED,



Marc Dubuisson, Director of the Division of Court Services

on behalf of

Silvana Arbia, Registrar

Dated this 24 November 2010

At The Hague, the Netherlands