

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 26 January 2011

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 Annex**

**Transmission by the Registrar of a letter from the Central African Republic in
relation to the reclassification of documents ICC-01/05-01/08-944-Conf-AnxC and
ICC-01/05-01/08-944-Conf-AnxD**

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 “*Second order to consult with the authorities of the Central African Republic*” (the “Second Order”) issued by the Appeals Chamber (the “Chamber”) on 19 November 2010;¹

NOTING the “*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*” submitted on 24 November 2010;²

NOTING the “*Order on the reclassification of documents*” (the “Order”) issued by the Chamber on 3 December 2010;³

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;

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.*”⁴;

CONSIDERING that, pursuant to the Chamber’s Second Order, the observations submitted by the authorities of the Central African Republic on 24

¹ ICC-01/05-01/08-1018.

² ICC-01/05-01/08-1040.

³ ICC-01/05-01/08-1076.

⁴ ICC-01/05-01/08-1018, page 3.

November 2010 indicated that the authorities did not find any obstacles to the disclosure of 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;⁵

CONSIDERING that, in light of the above-mentioned observations, in the Order, the Chamber instructed the Registry to reclassify 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 as public and these 3 documents were reclassified as public accordingly on 6 December 2010;

CONSIDERING that the authorities of the Central African Republic sent a letter to the Registry, dated 3 January 2011, maintaining their observations given in their communication to the Court on 5 November 2010⁶ in which the authorities opposed the disclosure of documents ICC-01/05-01/08-944-Conf-AnxC and ICC-01/05-01/08-944-Conf-AnxD;

CONSIDERING that the observations communicated to the Registry on 4 January 2011 by the authorities of the Central African Republic is contradictory to those transmitted on 24 November 2010 and thus the Registry would like to draw the Chamber's attention to these new observations from the Central African Republic;

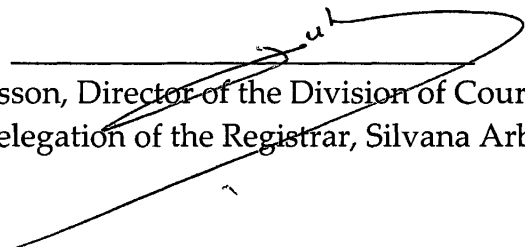
SUBMITS the annex *confidential* because the authorities of the Central African Republic did not specify that the letter transmitted to the Registry can be publicised;

⁵ ICC-01/05-01/08-1040-Conf-Anx3

⁶ ICC-01/05-01/08-1001-Conf-Anx3

TRANSMITS, respectfully in the annex to the present document, a letter communicated by the authorities of the Central African Republic, dated 3 January 2011;

RESPECTFULLY SUBMITTED,



Marc Dubuisson, Director of the Division of Court Services
per delegation of the Registrar, Silvana Arbia

Dated this 26 January 2011

At The Hague, the Netherlands