

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/05-01/08**
Date: **11 September 2009**

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President

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

Public

Decision on the reclassification of the confidential *ex parte* “Decision concerning the Applications for judicial review of Mr Jean-Pierre Bemba Gombo of 10 and 11 November 2008” of 21 November 2008

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

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for the Defence
Mr Nkwebe Liriss
Mr Aimé Kilolo Musamba

REGISTRY

Registrar
Ms Silvana Arbia

Detention Centre
Mr Anders Backman

Deputy Registrar
Mr Didier Preira

The Presidency of the International Criminal Court;

In the applications for judicial review of Mr Jean-Pierre Bemba Gombo ("applicant") of 10 and 11 November 2008, entitled: "Defence Application for Review of the Registry's Decision of 10 November 2008 entitled *Decision of the Registrar on the Monitoring of the Non-privileged Communications and Visits of Mr Jean Pierre Bemba Gombo*"¹ and "Supplementary Defence Application for Review of the Registry's Decision of 10 November 2008 entitled *Decision of the Registrar on the Monitoring of the Non-privileged Communications and Visits of Mr Jean Pierre Bemba Gombo*" of 11 November 2008;²

Noting the Presidency's decision on the Applications of 21 November 2008, entitled "Decision concerning the Applications for judicial review of Mr Jean-Pierre Bemba Gombo of 10 and 11 November 2008" filed with a confidential *ex parte* classification, made only available to the Registrar ("Confidential *ex parte* Decision");³ and noting further the confidential redacted version of that decision which has since been reclassified as public;⁴

Noting that the Confidential *ex parte* Decision makes reference to material which the Registrar submitted to the Presidency on a confidential *ex parte* Registrar only basis on the ground that the "information related to the security and good order of the detention centre the knowledge of which by other parties would defeat the purpose of its content";⁵ noting further the Presidency's order that the Registrar inform the Presidency whether the basis for retaining the classification of the material still exists;⁶

Noting the "Submissions of the Registrar pursuant to the Decision on Reclassification issued by the Presidency on 3 September 2009"⁷ of 9 September 2009, in which the Registrar submitted that there is no longer any basis for retaining the classification of the Confidential *ex parte* Decision;

Hereby

Decides to reclassify the Confidential *ex parte* Decision (ICC-01/05-01/08-271-Conf-Exp) as public.

¹ ICC-01/05-01/08-233-Conf-tENG.

² ICC-01/05-01/08-236-Conf-tENG.

³ ICC-01/05-01/08-271-Conf-Exp.

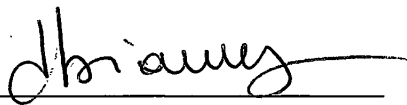
⁴ ICC-01/05-01/08-272. Reclassified as public pursuant to Decision on the reclassification of the confidential 'Reasons for the decision on the Application for judicial review of Mr Jean-Pierre Bemba Gombo of 10 and 11 November 2008', 3 September 2009, ICC-01/05-01/08-501-Conf.

⁵ ICC-01/05-01/08-248-Conf, page 4.

⁶ ICC-01/05-01/08-501-Conf.

⁷ ICC-01/05-01/08-508-Conf.

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



Judge Fatoumata Dembele Diarra, First Vice-President
On behalf of Judge Sang-Hyun Song, President

Dated this 11 September 2009

At The Hague, The Netherlands