



Original: English

No.: ICC-RoR221-03/14

Date: 05 June 2014

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Sanji Mmasenono Monageng, First Vice-President
Judge Akua Kuenyehia, Acting Second Vice-President

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

***IN THE CASE OF
THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO***

Public Document

Order concerning the Decision on the “Defence Appeal pursuant to regulation 221 of the Regulations of the Registry dated 28 March 2014”

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

Counsel for the Defence
Peter Haynes QC
Kate Gibson

REGISTRY

Registrar

Mr. Herman von Hebel

Detention Section

Mr. Harry Tjonk

Shs

The Presidency of the International Criminal Court (“Court”),

In the application for judicial review, pursuant to regulation 221(1) of the Regulations of the Registry, in which Mr Jean-Pierre Bemba Gombo (“Applicant”) submitted that the Registrar committed an error of law by dismissing his complaint dated 6 March 2014,¹ and that the monitoring, transcription and disclosure of his communications was illegal and ultra vires;²

NOTING the Presidency’s decision dated 14 May 2014 on the “Defence Appeal pursuant to regulation 221 of the Regulations of the Registry dated 28 March 2014”, filed with a confidential *ex parte* classification, along with four confidential *ex parte* annexes, made available only to the defence for the Applicant, (“Decision”);³

NOTING that in the Decision, the Presidency considered that there appeared to be no reason to retain the confidential *ex parte* classification of the Decision;⁴

NOTING that in the Decision, the Presidency ordered the Applicant and the Registrar to provide reasons, if any, for retaining the confidential *ex parte* classification of the Decision;⁵

NOTING that the Applicant confirmed in the “Defence submissions pursuant to Decision ICC-RoR221-03/14-3-Conf-Exp”,⁶ that the Decision “can be rendered publicly without redactions”;⁷

CONSIDERING that the Registrar has not submitted reasons for retaining the confidential *ex parte* classification of the Decision;

HEREBY ORDERS the Registrar to reclassify the Decision (including the four annexes mentioned above) as public.

¹ ICC-RoR221-03/14-1, paragraphs 19 – 43.

² ICC-RoR221-03/14-1, paragraphs 44 – 130.

³ Decision on the “Defence Appeal pursuant to regulation 221 of the Regulations of the Registry dated 28 March 2014”, ICC-RoR221-03/14-3-Conf-Exp; and ICC-RoR221-03/14-3-Conf-Exp-Anx1, ICC-RoR221-03/14-3-Conf-Exp-Anx2, ICC-RoR221-03/14-3-Conf-Exp-Anx3, and ICC-RoR221-03/14-3-Conf-Exp-Anx4.

⁴ ICC-RoR221-03/14-3-Conf-Exp, paragraph 44.

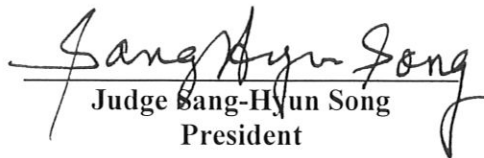
⁵ ICC-RoR221-03/14-3-Conf-Exp, paragraph 45.

⁶ Defence submissions pursuant to Decision ICC-RoR221-03/14-3-Conf-Exp, ICC-RoR22103/14-4.

⁷ ICC-RoR221-03/14-4, paragraph 5.



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


Judge Sang-Hyun Song
President

Dated this 5 June 2014

At The Hague, The Netherlands