

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13

Date: 4 July 2014

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

***THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO,
AIMÉ KILOLO MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE
BABALA WANDU and NARCISSE ARIDO***

PUBLIC

With two confidential annexes

**Transmission of the observations from France and The Kingdom of The
Netherlands on “Narcisse Arido’s request for interim release”**

Source: The Registry

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

The Office of the Prosecutor

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Counsel for Narcisse Arido

Mr. Goran Sluiter

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr. Herman Von Hebel

Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRY of the International Criminal Court (the “Court”):

NOTING the “*Narcisse Arido’s request for interim release*” dated 10 June 2014 (“Narcisse Arido’s Defence Application”);¹

NOTING the “*Corrigendum to ‘Decision requesting observations on the ‘Narcisse Arido’s request for interim release’*” dated 12 June 2014 (the “Decision”);²

NOTING article 60(2) of the Rome Statute, rule 118 of the Rules of Procedure and Evidence, regulations 51 and 23 *bis* of the Regulations of the Court;

CONSIDERING that the Chamber requested the relevant authorities of the Kingdom of the Netherlands and the relevant authorities of the French Republic to submit their views on Narcisse Arido’s Defence Application for interim release no later than Monday 30 June 2014.³

CONSIDERING that the Registry sent a note verbale transmitting the Decision and the Narcisse Arido’s Defence Application to the Ministry of Foreign Affairs of the Kingdom of the Netherlands on 13 June 2014⁴ and a second one to the Embassy of France to the Kingdom of the Netherlands on 18 June 2014⁵;

¹ ICC-01/05-01/13-477-Conf

² ICC-01/05-01/13-488-Corr

³ ICC-01/05-01/13-488-Corr

⁴ NV/2014/3334/gm/AK

⁵ NV/2014/3335/gm/AK

INFORMS the Chamber as follows:

1. On 27 June 2014, the Registry received the observations from the Netherlands (Annex 1);
2. On 30 June 2014, the Registry received the observations from France (Annex 2);
3. The present filing is classified public to be in line with the level of classification of the Decision. The annexes are classified confidential at the request of the Dutch and French authorities.
4. The French authorities indicate that the reply is submitted at the request of the Chamber which requires observations from a State Party. The observations requested concern the scope of the modalities of cooperation between a State Party and the Court. The French authorities note that often at the request of the Organs of the Court the requests for cooperation submitted to States are maintained confidential by the requested States. The French authorities also indicate that the confidentiality does not prejudice the rights of the defense nor those of the prosecution, in that *in fine*, it is up to the Judge to rule on the request of the defense, thus respecting the principle of fair trial. They add that any potential reclassification will require prior consent of the French authorities.⁶
5. The Netherlands indicate that the communications between a State and an international organization are confidential on the basis of “diplomatic

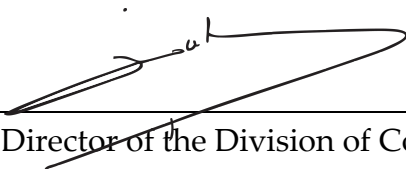
⁶ Non official translation of the following observations submitted by the French authorities in two e-mails dated 3 July 2014 at the request of the Registry « - il s'agit d'une réponse à la Chambre qui souhaite être éclairée sur l'avis d'un Etat partie;- l'avis sollicité entre dans le champ d'application d'une question portant sur les modalités de coopération entre un Etat partie et la Cour- or le plus souvent les demandes de coopération ont à la demande des organes de la Cour un caractère confidentiel ;- enfin, la confidentialité ne semble pas faire obstacle aux droits de la défense dès lors qu'il revient au juge de la Cour et à lui seul de se prononcer *in fine* sur la requête de l'accusé; ni à ceux de l'accusation ; et partant à la conduite d'un procès équitable. Toute requalification éventuelle de la présente note verbale nécessitera un accord préalable des autorités françaises ».

practice". Any reclassification from confidential to public may only occur with the consent of the State.

TRANSMITS in annexes:

- The observations submitted by the Kingdom of the Netherlands on 27 June 2014 (Annex 1 - Confidential).
- The observations submitted by the French Republic on 30 June 2014 (Annex 2 - Confidential).

RESPECTFULLY SUBMITTED



Marc Dubuisson, Director of the Division of Court Services
on behalf of
Herman von Hebel, Registrar

Dated this 4 July 2014

At The Hague, The Netherlands