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" 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" submitted by the Office of the Prosecutor on 14 October 2010:

NOTING the "Order to consult with the authorities of the Central African Republic" (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" (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

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18 November 2010.

9 Ibid, page 3.

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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.

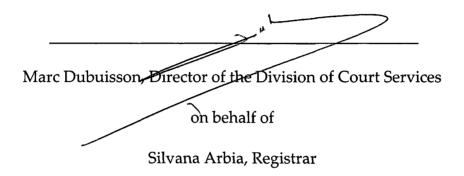
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- Annex 3: Letter transmitted by the authorities of the Central African Republic to the Registry, dated 24 November 2010;

RESPECTFULLY SUBMITTED,



Dated this 24 November 2010

At The Hague, the Netherlands