

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 9 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**

Confidential

**Submissions of the Registrar pursuant to the Decision on Reclassification issued
by the Presidency on 3 September 2009**

Source: The Registrar

Document 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

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**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

Mr Anders Backman

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court ("the Court");

NOTING the "Decision concerning the Applications for judicial review of Mr Jean-Pierre Bemba Gombo of 10 and 11 November 2008" (the "Confidential *ex parte* Decision") issued by the Presidency on 21 November 2008;¹

NOTING the Presidency's "Reasons for the decision on the Applications for judicial review of Mr Jean-Pierre Bemba Gombo of 10 and 11 November 2008" (the "Under Seal Reasons") of 5 December 2008;²

NOTING the Presidency "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"" issued on 3 September 2009;³

NOTING Regulations 23 *bis* and 90 of the Regulations;

CONSIDERING that the Presidency ordered the Registrar to indicate "whether the basis for retaining the classification of the material contained in the Confidential *ex parte* Decision, at page 3, and in the Under Seal Reasons, at paragraphs 49-51, still exist";⁴

SUBMITS the following:

- 1- In relation to the Confidential *ex parte* Decision, the basis for retaining the classification of the material is no more justified;

¹ ICC-01/05-01/08-271-Conf-Exp.

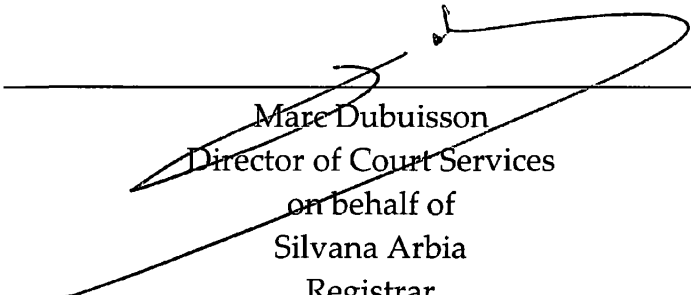
² ICC-01/05-01/08-309-Conf-US-Exp.

³ ICC-01/05-01/08-501-Conf.

⁴ *Ibid.*, p. 4.

2- In respect of the Under Seal Reasons, the level of classification shall be maintained for paragraph 51 because its disclosure may lead to situations that would jeopardise the maintenance of security and good order in the Detention Centre. However, such classification is no more justified for paragraphs 49 and 50.

RESPECTFULLY SUBMITTED,



Marc Dubuisson
Director of Court Services
on behalf of
Silvana Arbia
Registrar

Dated this 9 September 2009

At The Hague, the Netherlands