

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-RoR221-03/14

Date: 14 May 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,***

**Confidential**

***Ex parte*, only available to the defence for Mr Bemba  
With four confidential *ex parte* annexes**

**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**

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**Registrar**

Herman von Hebel

The Presidency of the International Criminal Court (“Court”) has before it the application for judicial review dated 28 March 2014 of Mr Jean-Pierre Bemba Gombo (“Applicant”) entitled “Defence Appeal pursuant to Regulation 221 of the Regulations of the Registry” (“Application”). The Applicant submits therein that the Registrar committed an error of law by dismissing his complaint dated 6 March 2014,<sup>1</sup> and that the monitoring, transcription and disclosure of his communications was illegal and ultra vires.<sup>2</sup>

The Application is dismissed for the reasons set forth below.

## **I. PROCEDURAL HISTORY**

1. On 9 April 2012, during a Status Conference with the Trial Chamber III, the Prosecution requested that access to information and records concerning telephone numbers, as well as to passively monitored privileged communications between the Applicant and his Counsel, be granted to a Prosecution appointed counsel.<sup>3</sup> At the time of the request, the Prosecution had not yet decided to open an investigation under article 70 of the Rome Statute (“Statute”).<sup>4</sup> The Trial Chamber ruled that it had no competence to consider the requests as no article 70 (of the Statute) proceedings had been brought.<sup>5</sup>
2. On 3 May 2013, the Prosecution submitted the same request to Pre-Trial Chamber II.<sup>6</sup>
3. On 8 May 2013, the Single Judge of Pre-Trial Chamber II (“Single Judge”) found that there was no need to appoint an independent counsel and that the Prosecutor could directly access all of the Applicant’s recorded communications except those with Counsel.<sup>7</sup>
4. On 19 July 2013, the Prosecution made a second request for judicial assistance.<sup>8</sup>

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

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

<sup>3</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraph 10, citing ICC-01/05-01/08-TR-303-CONF-Red.

<sup>4</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraph 11.

<sup>5</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraph 16.

<sup>6</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraph 17.

<sup>7</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraphs 19- 20, citing ICC-01/05-46.

<sup>8</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraph 24.

5. On 29 July 2013, the Single Judge stated that he was satisfied that at least some of the communications were not “‘made in the context of the professional relationship between a person and his or her counsel’ within the meaning and for the purposes of Rule 73 of the Rules of Procedure and Evidence”.<sup>9</sup> He found that “communications effected in furtherance of crime or fraud provide an exception to the principle of professional privilege is broadly accepted both at the national and the international level.”<sup>10</sup> The Single Judge requested the Registry to appoint an independent counsel “to review the telephone call logs and recordings of all telephone conversations placed by Me. Kilolo [counsel for the Applicant] and Mr. Mangenda [a case manager for the applicant] (including communications with [the Applicant]), and to transmit to the ICC Prosecution “the relevant portions of any and all such calls which might be of relevance for the purposes of the investigation”.<sup>11</sup>
6. The Single Judge found in later decisions that Mr Mangenda’s communications were not subject to legal privilege and so could be accessed by the Prosecutor, without recourse to the independent counsel.<sup>12</sup>
7. On 6 March 2014, the Applicant submitted a complaint to the Registrar pursuant to regulation 106 of the Regulations of the Court, in which he argued that the monitoring of his privileged and non-privileged communications, and the disclosure of information concerning the same, was illegal.<sup>13</sup>
8. On 19 March 2014, the Registrar issued the “Décision du Greffier relative à la demande introduite par M. Jean-Pierre Bemba en rapport avec la décision d’un juge de procéder à la surveillance de ses communications téléphoniques- plainte #14-006” (“Impugned Decision”) in which the Applicant’s complaint was rejected “pour non-compétence puisqu’elle ne concerne ni une décision du Greffier ni une décision du CQP”, and recommended that the Applicant “de saisir le juge compétent aux fins d’économie de procédures”.<sup>14</sup>

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<sup>9</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraph 27, citing ICC-01/05-52-Red2, paragraph 3.

<sup>10</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraph 28, citing ICC-01/05-52-Red2, paragraph 4.

<sup>11</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraph 29, citing ICC-01/05-52-Red2, page 8.

<sup>12</sup> ICC-RoR221-03/14-1-Conf-AnxA, paragraph 31, citing ICC-01/05-01/13-48.

<sup>13</sup> ICC-RoR221-03/14-1, paragraph 10, and ICC-RoR221-03/14-1-Conf-AnxA.

<sup>14</sup> ICC-RoR221-03/14-1-Conf-Exp-AnxB.



9. On 28 March 2014, the Applicant sought judicial review of the Impugned Decision pursuant to regulation 221 of the Regulations of the Registry.<sup>15</sup> The Applicant argues that the Registrar committed an error of law by dismissing the Applicant's complaint dated 6 March 2014,<sup>16</sup> and that the monitoring, transcription and disclosure of the Applicant's communications was illegal and ultra vires.<sup>17</sup>

## II. MERITS

### A. Relevant parts of the Impugned Decision

10. In the Impugned Decision, the Registrar maintained that he has the prerogative to actively monitor the telephone communications of a detained person, pursuant to regulation 175 of the Regulations of the Registry. He maintained that this prerogative also extends to monitoring the visits received by detained persons. When the Registrar orders such monitoring, the detained person may request the Presidency to review the decision of the Registrar, pursuant to regulations 175(11) and 184(11) of the Regulations of the Registry.<sup>18</sup>
11. The Registrar found that, in the present case, the Applicant had failed to demonstrate that the decision to monitor his communications and to transmit his communications to third parties emanated from the Registrar. The Registrar found that, on the contrary, the arguments advanced by the Applicant recognised that the decision emanated from an authority other than the Registrar, thereby implicitly confirming that the Applicant's complaint to the Registrar was bound to fail.<sup>19</sup>
12. The Registrar stated that he had merely implemented the order of a judge. The Registrar found that although such implementation concerned the monitoring of communications of the Applicant which were not covered by privilege, the possibility of the Applicant complaining against such actions, in accordance with regulation 217(1) of the Regulations of the Registry (as a matter concerning his detention) was not open to him as that regulation could not be interpreted outside of its specific

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<sup>15</sup> ICC-RoR221-03/14-1.

<sup>16</sup> ICC-RoR221-03/14-1, paragraphs 19 – 43.

<sup>17</sup> ICC-RoR221-03/14-1, paragraphs 44 – 130.

<sup>18</sup> Impugned Decision, paragraph 1.

<sup>19</sup> Impugned Decision, paragraph 2.

confines.<sup>20</sup> Since the monitoring was not ordered pursuant to regulation 175 of the Regulations of the Registry, the Applicant could not detach its implementation by the Registrar from the order of the judge. The Registrar maintained that if there were indeed a decision to be contested, then the relevant decision would be that of the judge who ordered the relevant measures; to be contested either before him or before the Appeals Chamber.<sup>21</sup>

13. The Registrar maintained that the arguments concerning the legal basis of the decision of the Single Judge and the arguments concerning the request and evidence from the Office of the Prosecutor could not be contested before the Registrar. As such, it was not for the Registrar to pronounce on the legality of the monitoring.<sup>22</sup>

14. For the above reasons the Registrar rejected the complaint as inadmissible, finding that the contested decision did not emanate from a decision of the Registrar or from a decision of the Chief Custody Officer.<sup>23</sup>

## **B. Arguments of the Applicant**

15. While relying on the Statute, the Rules and Regulations of the Court, and the jurisprudence of other international courts and tribunals, the Applicant challenges the Impugned Decision on the following two main grounds:

- a. The Registrar committed an error of law by dismissing his complaint *in limine*; and
- b. The monitoring, transcription and disclosure of his communications was illegal and ultra vires.

The details concerning these grounds are set out below.

### *1. The Registrar committed an error of law by dismissing the complaint in limine*

16. The Applicant argues that irrespective of who authorised the monitoring of the Applicant's communications and disclosure of information concerning the same, he has a right to file a complaint as they relate to his detention, pursuant to regulation

<sup>20</sup> Impugned Decision, paragraph 3.

<sup>21</sup> Impugned Decision, paragraph 3.

<sup>22</sup> Impugned Decision, paragraph 4.

<sup>23</sup> Impugned Decision, page 7.

106 of the Regulations of the Court.<sup>24</sup> Moreover, the Applicant argues that pursuant to regulation 175(11) of the Regulations of the Registry, he has the right to file a complaint concerning the active monitoring of his calls, which is not conditional on who ordered the monitoring or disclosure.<sup>25</sup>

17. The Applicant argues that the safeguards under regulation 175 of the Regulations of the Registry were not adhered to, and that it was illegal not to notify the Defence that the Applicant's telephone calls were being monitored, thereby precluding the Applicant from seeking "recourse through the complaints regime".<sup>26</sup>

18. The Applicant further argues that the Single Judge's finding that the Defence has no right to seek leave to appeal or reconsideration of the "situation phase" *ex parte* measures, impacts directly on the defendants' rights.<sup>27</sup> The Applicant submits that the jurisprudence of the Court and the *ad hoc* Tribunals recognise the detainee's rights to be heard and to have a remedy.<sup>28</sup>

19. The Applicant submits that the Registrar's dismissal of the Applicant's complaint *in limine* is tantamount to refusing him the right to a remedy, which is "recognised by all human rights instruments" and enshrined in article 21(3) of the Statute.<sup>29</sup>

20. The Applicant further submits that the reliance on a judicial order does not permit the violation of the right to a remedy.<sup>30</sup>

21. The Applicant submits, that even if the Presidency finds that it cannot exercise jurisdiction in this matter, it retains the competence to find that the Applicant's right to seek a remedy has been violated.<sup>31</sup>

22. The Applicant argues that the Registrar, arbitrarily relying on regulation 97 of the Regulations of the Court, acted outside the scope of the judicial order in that

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<sup>24</sup> ICC-RoR221-03/14-1, paragraphs 22 and 26.

<sup>25</sup> ICC-RoR221-03/14-1, paragraph 23.

<sup>26</sup> ICC-RoR221-03/14-1, paragraphs 28 – 32.

<sup>27</sup> ICC-RoR221-03/14-1, paragraph 30.

<sup>28</sup> ICC-RoR221-03/14-1, paragraph 32.

<sup>29</sup> ICC-RoR221-03/14-1, paragraphs 32 – 34.

<sup>30</sup> ICC-RoR221-03/14-1, paragraph 35.

<sup>31</sup> ICC-RoR221-03/14-1, paragraph 37.



transcripts of the Applicant's privileged communications with Mr Mangenda were transmitted directly to the Prosecution.<sup>32</sup>

23. The Applicant submits that the Registry is "cherry pick[ing]" from the detention regulations in that he is using them to exclude safeguards, and to apply a narrower definition of legal privilege.<sup>33</sup> The Applicant further submits that the Registrar was wrong to consider that communications between the Applicant and Mr Mangenda were not privileged.<sup>34</sup>

2. *The monitoring, transcription and disclosure of the Applicant's communications was illegal and ultra vires.*

a. The procedure for monitoring, transcribing and transmitting non-privileged communications to the Prosecution was not complied with

24. The Applicant submits that neither the Single Judge nor the Registrar had the power to monitor the Applicant's communications, without any reference to the regulations which govern detention.<sup>35</sup> In this regard, the Applicant refers to regulations 89 and 101 of the Regulations of the Court,<sup>36</sup> as well as regulations 175 of the Regulations of the Registry.<sup>37</sup> The Applicant submits that it was illegal and ultra vires to monitor and transcribe the Applicant's communications outside of those provisions.<sup>38</sup>

b. The procedure for monitoring the Applicant's communications violated procedural fairness, and was inconsistent with international human rights law

25. The Applicant submits that pursuant to article 21(3) of the Statute, any decision to monitor a detainee's communications must be lawful, directed at a legitimate aim, necessary and proportionate.<sup>39</sup> The Applicant further submits that the wording of article 57(3)(b) of the Statute is not sufficient notice of the circumstances under which a power to issue investigated orders can be instigated.<sup>40</sup>

<sup>32</sup> ICC-RoR221-03/14-1, paragraphs 38 - 39.

<sup>33</sup> ICC-RoR221-03/14-1, paragraph 42.

<sup>34</sup> ICC-RoR221-03/14-1, paragraph 43.

<sup>35</sup> ICC-RoR221-03/14-1, paragraph 44.

<sup>36</sup> ICC-RoR221-03/14-1, paragraphs 45 - 50, and 52.

<sup>37</sup> ICC-RoR221-03/14-1, paragraphs 51 - 54.

<sup>38</sup> ICC-RoR221-03/14-1, paragraph 55.

<sup>39</sup> ICC-RoR221-03/14-1, paragraph 59.

<sup>40</sup> ICC-RoR221-03/14-1, paragraph 62.



26. The Applicant argues that his right to privacy cannot be impinged upon by an unfettered power, employed on an ex parte basis.<sup>41</sup> The Applicant argues that the monitoring of his communications was therefore not “in accordance with the law”.<sup>42</sup>

c. The protections afforded by the Statute, Rules and Regulations to privileged communications were not complied with

27. The Applicant argues that the Prosecution’s request for access to his communications was a “fishing expedition” and that it effectively took advantage of his detention.<sup>43</sup> The Applicant further argues that the Prosecution did not demonstrate that his communications with his legal team discussed the relevant crimes, or that there was evidence that he was complicit in those crimes.<sup>44</sup> The Applicant submits that the Prosecution’s application to access the recordings of communications between him and Me. Kilolo was based solely on the assertion that he had “used Kilolo’s status as counsel to circumvent telephone monitoring from the Registry”.<sup>45</sup> The Applicant submits that this accusation concerns a violation of the Regulations of the Registry, which is not a crime in itself.<sup>46</sup>

28. The Applicant argues that the Single Judge’s reasoning for granting access to privileged information was not clear.<sup>47</sup> Moreover, he argues that Rule 173(1) of the Court Rules of Procedure and Evidence was not correctly interpreted, and that the legal basis upon which the Single Judge relied was not provided for in the law.<sup>48</sup>

29. The Applicant argues that in circumstances where a defendant has abused his right to privileged communications, other international tribunals have suspended or ceased his communications with the relevant counsel in a transparent manner, rather than covertly monitoring future communications.<sup>49</sup>

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<sup>41</sup> ICC-RoR221-03/14-1, paragraph 62.

<sup>42</sup> ICC-RoR221-03/14-1, paragraph 63.

<sup>43</sup> ICC-RoR221-03/14-1, paragraphs 90 - 91.

<sup>44</sup> ICC-RoR221-03/14-1, paragraph 86.

<sup>45</sup> ICC-RoR221-03/14-1, paragraph 87, citing ICC-01/05-52-Red2, paragraph 1.

<sup>46</sup> ICC-RoR221-03/14-1, paragraph 88.

<sup>47</sup> ICC-RoR221-03/14-1, paragraphs 64 – 65.

<sup>48</sup> ICC-RoR221-03/14-1, paragraphs 69 – 70 and 82.

<sup>49</sup> ICC-RoR221-03/14-1, paragraph 92.

d. The characterisation of Mr Mangenda's communications as 'non-privileged' was legally incorrect, failed to take into consideration relevant factors, and was unreasonable

30. The Applicant submits that it was the Registrar who determined that the Applicant's communications with Mr Mangenda, a "case manager" were not privileged and then provided them to the Prosecution.<sup>50</sup>

31. The Applicant argues that his communications with Mr Mangenda were protected as privileged communications under regulation 97 of the Regulations of the Court and Rule 73 of the Rules of Procedure and Evidence.<sup>51</sup> The Applicant argues in the alternative that his communications with Mr Mangenda were privileged under Rule 73(1) of the Rules of Procedure and Evidence.<sup>52</sup> He submits that he had a "legitimate expectation" that his communications with Mr Mangenda were confidential and would not be disclosed to the Prosecution without first allowing the Defence the opportunity to respond.<sup>53</sup>

32. The Applicant further submits that his communications with Mr Mangenda were subject to an "internal work product privilege" pursuant to Rule 81(1) of the Rules of Procedure and Evidence.<sup>54</sup>

e. The wholesale disclosure of the transcripts of all non-privileged communications during this time period did not comport with Regulations of the Court and the Registry, or the general principles of necessity and proportionality.

33. The Applicant argues that the Prosecution was granted access to all non-privileged communications regardless of their relevance to the Prosecution's investigations.<sup>55</sup>

34. The Applicant further argues that pursuant to regulation 175 of the Regulations of the Registry, the Registrar must transcribe only calls which breach the Regulations of the

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<sup>50</sup> ICC-RoR221-03/14-1, paragraphs 93 and 98.

<sup>51</sup> ICC-RoR221-03/14-1, paragraphs 94 – 102.

<sup>52</sup> ICC-RoR221-03/14-1, paragraph 112.

<sup>53</sup> ICC-RoR221-03/14-1, paragraph 111.

<sup>54</sup> ICC-RoR221-03/14-1, paragraphs 115 – 116.

<sup>55</sup> ICC-RoR221-03/14-1, paragraph 118.

Court or the Regulations of the Registry or a Court order, and that only transcribed conversations may be provided to the Prosecution.<sup>56</sup> Moreover, the Applicant argues that these provisions also apply to article 70 (of the Statute) investigations.<sup>57</sup>

35. Finally, the Applicant argues that all measures taken concerning a detainee's right to privacy must be necessary and proportionate, and that neither the Single Judge nor the Prosecution explained or justified why it was necessary for the Prosecution to receive all non-privileged communications.<sup>58</sup>

f. The disclosure of call logs concerning communications with the Defence at the detention unit violated privilege

36. The Applicant argues that pursuant to the European Court of Human Rights case law, not only is the content of communications with his Defence privileged, but so too is the metadata regarding the same.<sup>59</sup>

37. The Applicant submits that the Registrar acted illegally and ultra vires by transmitting call logs to the Prosecution, a matter which was only rectified concerning future communications when the Single Judge made a ruling on 29 July 2013, after call logs had already been disclosed to the Prosecution.<sup>60</sup> The Applicant further submits that by relying on the call logs in making his ruling, the Single Judge further compounded the initial illegality. The Applicant argues that the subsequent monitoring of Mr. Kilolo was "irrevocably tainted".<sup>61</sup>

38. In relief, the Applicant asks that:

- i. The Presidency provide a declaration to the effect that the monitoring of his privileged and non-privileged communications, and the disclosure of recordings, transcripts and call logs was illegal;
- ii. The active monitoring and disclosure of information to the Prosecution or Independent Counsel be ceased immediately; and

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<sup>56</sup> ICC-RoR221-03/14-1, paragraphs 120 – 123.

<sup>57</sup> ICC-RoR221-03/14-1, paragraph 124.

<sup>58</sup> ICC-RoR221-03/14-1, paragraphs 125 – 126.

<sup>59</sup> ICC-RoR221-03/14-1, paragraphs 127 – 128.

<sup>60</sup> ICC-RoR221-03/14-1, paragraphs 127 – 129.

<sup>61</sup> ICC-RoR221-03/14-1, paragraph 130.



- iii. All originals of recordings, transcripts or call logs concerning his communications with any person be returned, and that any copies in the possession of any person other than the Defence be destroyed.<sup>62</sup>

### C. Determination of the Presidency

39. It is recalled that the judicial review of decisions of the Registrar concerns the propriety of the procedure by which the latter reached a particular decision and the outcome of that decision. It involves a consideration of whether the Registrar has: acted without jurisdiction, committed an error of law, failed to act with procedural fairness, acted in a disproportionate manner, taken into account irrelevant factors, failed to take into account relevant factors, or reached a conclusion which no sensible person who has properly applied his or her mind to the issue could have reached.<sup>63</sup>

40. The Presidency also recalls its reasoning in a decision dated 10 March 2009, concerning an application brought by Mr Dieckmann ("Dieckmann Decision"). The application related to the applicant's appointment as defence counsel pursuant to regulation 76(1) of the Statute in accordance with a Pre-Trial Chamber II decision.<sup>64</sup> The Presidency found that the role of the Registrar in that case involved "executing the appointment of the applicant",<sup>65</sup> and that the decision of the Chamber left the Registrar "no margin ... to exercise significant discretion".<sup>66</sup>

41. The Presidency distinguished the Dieckmann Decision from an earlier decision dated 29 June 2007, concerning an application brought by Mr Lubanga Dyllo ("Lubanga Decision"). This application related to the Registrar's appointment of duty counsel pursuant to regulation 73(2) of the Regulations of the Court, in accordance with the

<sup>62</sup> ICC-RoR221-03/14-1, paragraphs 131 -132.

<sup>63</sup> The standard of judicial review was defined by the Presidency in its decision of 20 December 2005, ICC-Pres-RoC72-02-5, paragraph 16, and supplemented in its decision of 27 November 2006, ICC-01/04-01/06-731-Conf, paragraph 24. See also the decision of the Presidency of 10 July 2008, ICC-Pres-RoC72-01-8-10, paragraph 20.

<sup>64</sup> "Reasons for the Decision on the Application of Mr Jens Dieckmann of 28 October 2008 for judicial review of his appointment by the Registrar as defence counsel, in accordance with the decision of Pre-Trial Chamber II of 21 October 2008", ICC-02/04-01/05.

<sup>65</sup> ICC-02/04-01/05, paragraph 30.

<sup>66</sup> ICC-02/04-01/05, paragraph 30.

orders of the Appeals Chamber and Pre-Trial Chamber I.<sup>67</sup> In the Lubanga Decision, the Presidency found that the Registrar had “exercised a wide discretion in performing his administrative functions pursuant to regulation 73(2) and it was for the Presidency to ensure that his discretion had been properly exercised.”<sup>68</sup>

42. Bearing in mind the test set out at paragraph 39 above and its previous decisions, the Presidency finds that the Application cannot succeed, as the Application does not concern a decision of the Registrar. The Presidency finds that it is clear from the foregoing facts of the case, and the relevant Pre-Trial Chamber II decisions,<sup>69</sup> that the Registrar did not exercise any significant discretion in fulfilling the specific orders of the Single Judge.

43. In view of the foregoing, the Presidency dismisses the Application.

### III. CLASSIFICATION

44. The Presidency notes that the instant Application has been filed publicly, with a confidential Annex A, a public redacted Annex A, a confidential *ex parte* Annex B, a confidential Annex C, a public redacted Annex C, and a public Annex D. The Presidency considers that, *prima facie*, there is no reason to retain the confidential *ex parte* classification of this decision.

45. If there is any factual and/or legal basis for retaining the confidential *ex parte* classification of this decision, or if there is any specific information requiring redaction before publication, the Applicant and the Registrar are each ordered to inform the Presidency thereof by 4pm on 28 May 2014. The Presidency will thereafter rule on whether the classification should be maintained and, if necessary, the need for any redactions.

The Application is dismissed.

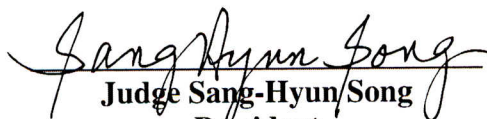
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<sup>67</sup> Decision on the “Demande urgente en vertu de la Règle 21-3 du Règlement de procédure et de preuves” and on the “Urgent Request for the Appointment of a Duty Counsel” filed by Thomas Lubanga Dyilo before the Presidency on 7 May 2007 and 10 May 2007, respectively, ICC-01/04-01/06-931-Conf-Exp.

<sup>68</sup> ICC-02/04-01/05, paragraph 31.

<sup>69</sup> Decision on the Prosecutor’s “Request for judicial assistance to obtain evidence for investigation under Article 70”, ICC-01/05-46; and Decision on the “Registry’s Observations pursuant to regulation 24 *bis* of the Regulations of the Court on the implementation of the ‘Decision on the Prosecutor’s “Request for judicial assistance to obtain evidence for investigation under Article 70””, ICC-01/05-50.

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

  
**Judge Sang-Hyun Song**  
**President**

Dated this 14 May 2014

At The Hague, The Netherlands