

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/05-01/13 OA 6

Date: 8 October 2014

THE APPEALS CHAMBER

Before:
Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka

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 document

Order

**to consult with the authorities of the Kingdom of the Netherlands and the French
Republic**

No: ICC-01/05-01/13 OA 6

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

Counsel for the Defence
Mr Göran Sluiter

States Representatives
The Kingdom of the Netherlands
The French Republic

REGISTRY

Registrar
Mr Herman von Hebel



The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Narcisse Arido against the decision of Pre-Trial Chamber II entitled “Decision on ‘Narcisse Arido’s request for interim release’” of 24 July 2014 (ICC-01/05-01/13-588),

Issues the following

ORDER

The Registrar is ordered to consult with:

- (i) the authorities of the Kingdom of the Netherlands in respect of document ICC-01/05-01/13-537-Conf-AnxI; and
- (ii) the authorities of the French Republic in respect of document ICC-01/05-01/13-537-Conf-AnxII,

to ascertain whether those documents, or any information contained therein, can be reclassified as public and to report to the Appeals Chamber on the results of these consultations by 16h00 on Monday 20 October 2014.

REASONS

1. On 4 July 2014, the Registrar filed the “Transmission of the observations from France and The Kingdom of The Netherlands on ‘Narcisse Arido’s request for interim release’”¹ (hereinafter: “Registry Report”), communicating to the Pre-Trial Chamber the observations submitted by the Kingdom of the Netherlands and the French Republic² on Mr Arido’s request for interim release.³ Those observations were filed confidentially. The Registry Report states that any reclassification of those observations from confidential to public may only occur with the prior consent of the State concerned.⁴

¹ ICC-01/05-01/13-537.

² See Registry Report, pp. 4-5, ICC-01/05-01/13-537-Conf-AnxI; ICC-01/05-01/13-537-Conf-AnxII.


³ “Public Redacted Version of Narcisse Arido’s Request for Interim Release filed on 10 June 2014 (ICC-01/05-01/13-477-Conf)”, dated 17 June 2014 and registered on 18 June 2014, ICC-01/05-01/13-477-Red.

⁴ Registry Report, paras 4-5.

2. On 24 July 2014, the Pre-Trial Chamber rendered the “Decision on ‘Narcisse Arido’s request for interim release’”⁵ (hereinafter: “Impugned Decision”), which referred to the observations.⁶ The Impugned Decision is currently the subject of an appeal by Mr Arido.⁷

3. In light of the need for the appellate proceedings to be public to the greatest extent possible, the Appeals Chamber instructs the Registrar to consult with the relevant authorities of the Kingdom of the Netherlands and the relevant authorities of the French Republic so as to ascertain whether the aforementioned observations, or any information contained therein, can be reclassified as public and to report to the Appeals Chamber accordingly. After having received this report, the Appeals Chamber will decide whether the documents can be reclassified as public under regulation 23 *bis* (3) of the Regulations of the Court.

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



Judge Sanji Mmasenono Monageng
Presiding Judge

Dated this 8th day of October 2014

At The Hague, The Netherlands

⁵ ICC-01/05-01/13-588.

⁶ Impugned Decision, para. 27.

⁷ See “Narcisse Arido’s Notice of Appeal of the Single Judge’s ‘Decision on ‘Narcisse Arido’s Request for Interim Release’” (ICC-01/05-01/13-558)”, 29 July 2014, ICC-01/05-01/13-592.