



Original: English

No.: ICC-01/05-01/08 OA

Date: 25 November 2008

THE APPEALS CHAMBER

Before: Judge Erkki Kourula, Presiding Judge
Judge Philippe Kirsch
Judge Georgios M. Pikis
Judge Sang-Hyun Song
Judge Daniel David Ntanda Nsereko

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
v. JEAN-PIERRE BEMBA GOMBO**

**Public Document
with Confidential Annex A**

**Prosecution's Response to Appeals Chamber's
"Order in relation to confidential filings"**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence

Mr Nkwebe Liriss

Mr Karim Khan

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

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 20 August 2008, the Single Judge issued the “Decision on application for interim release” (“the Decision”).¹
2. On 22 August, the Appellant filed an appeal against the Decision pursuant to Article 82(1)(b).² The Appellant filed a Document in Support of Appeal on 26 August (“Appeal Brief”).³
3. On 1 September, the Prosecution filed its Response to the Appeal Brief.⁴
4. The Decision and Appeal Brief were both filed confidentially. The Prosecution also filed its Response confidentially.⁵
5. On 18 November, the Appeals Chamber ordered the parties to identify and justify information in their filings that must be kept confidential.⁶
6. On 21 November, the Defence stated that they do not object to the Appeal Brief being reclassified as public.⁷
7. The Prosecution submits that the discussion of the content of the responses from Belgium and Portugal in its Response should be kept confidential⁸ as this material is contained in confidential annexes to the Registry’s report.⁹ The Prosecution attaches a proposed public redacted version of the Response, redacting these details (Annex A).



Luis Moreno-Ocampo,
Prosecutor

Dated this 25th day of November 2008
At The Hague, The Netherlands

¹ ICC-01/05-01/08-73-Conf (public redacted version - ICC-01/05-01/08-80-Anx, 27 August 2008).

² ICC-01/05-01/08-74 OA.

³ ICC-01/05-01/08-78-Conf OA.

⁴ ICC-01/05-01/08-83-Conf OA.

⁵ ICC-01/05-01/08-83-Conf OA, para. 7.

⁶ ICC-01/05-01/08-259 OA.

⁷ ICC-01/05-01/08-273 OA.

⁸ ICC-01/05-01/08-83-Conf OA, para. 27 and footnotes 42 and 43.

⁹ ICC-01/05-01/08-71-Conf-Anx2 and Anx3, 18 August 2008.